

**First Session - Thirty-Ninth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**DEBATES**  
**and**  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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authority of  
The Honourable George Hickes  
Speaker*

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Ninth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 8, 2007

**The House met at 1:30 p.m.**

### ROUTINE PROCEEDINGS

#### PETITIONS

##### **Retired Teachers' Cost of Living Adjustment**

**Mr. Ron Schuler (Springfield):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Since 1977, Manitoba teachers have made contributions to the Teachers' Retirement Allowances Fund Pension Adjustment Account, PAA, to finance a Cost of Living Adjustment, COLA, to their base pension once they retire.

Despite this significant funding, 11,000 retired teachers and 15,000 active teachers currently find themselves facing the future with little hope of a meaningful COLA.

For 2007, a COLA of only 0.63 percent was paid to retired teachers.

The COLA paid in recent years has eroded the purchasing power of teachers' pension dollars.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider adequate funding for the PAA on a long-term basis to ensure that the current retired teachers, as well as all future retirees, receive a fair COLA.

This is signed by Merle Spafford, Edith Kidds, Renate Schultz and many, many other Manitobans.

**Mr. Speaker:** In accordance with our rule 132(6), when petitions are read they are deemed to be received by the House.

##### **Dividing of Trans-Canada Highway**

**Mrs. Mavis Taillieu (Morris):** I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The seven-kilometre stretch of the Trans-Canada Highway passing through Headingley is an

extremely busy stretch of road, averaging 18,000 vehicles daily.

This section of the Trans-Canada Highway is one of the few remaining stretches of undivided highway in Manitoba, and it has seen more than 100 accidents in the last two years, some of them fatal.

Manitoba's Assistant Deputy Minister of Infrastructure and Transportation told a Winnipeg radio station on October 16, 2007, that when it comes to highways' projects the provincial government has a flexible response program, and we have a couple of opportunities to advance these projects in our five-year plan.

In the interests of protecting motorist safety, it is critical that the dividing of the Trans-Canada Highway in Headingley is completed as soon as possible.

We petition the Legislative Assembly as follows:

To request the Minister of Infrastructure and Transportation (Mr. Lemieux) to consider making the completion of the dividing of the Trans-Canada Highway in Headingley in 2008 an urgent provincial government priority.

To request the Minister of Infrastructure and Transportation to consider evaluating whether any other steps can be taken to improve motorist safety while the dividing of the Trans-Canada Highway in Headingley is being completed.

This is signed by Kyle Shewfelt, Julien Gates, Jason Dean and many, many more Manitobans.

##### **The Child and Family Services Act**

**Mrs. Leanne Rowat (Minnedosa):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

Manitoba's provincial government has a responsibility to protect children from exploitation.

Canada's laws recognize those less than 18 years of age as deserving of certain legal protection. Under law, children cannot drive until they are 16, and

cannot smoke cigarettes or drink alcohol until they are 18. Yet, the current age of consent under Canada's Criminal Code is 14 years of age.

Families, communities and law enforcement authorities recognize that young Canadians between the ages of 14 and 16 years of age are especially vulnerable due to legal loopholes. They are frustrated with the lack of tools available to them from exploitation by adult predators at least three years older whose intent is to sexually exploit these children.

Predators are increasingly using nefarious means such as drugs, alcohol, gifts and false promises to lure at-risk victims. In addition to sexual abuse, these victims are sometimes coerced and misled into criminal activity, drug use and gang recruitment.

The consequences of any type of exploitation are devastating. While any child may become a victim of exploitation, at-risk children are particularly vulnerable and targeted. Many of these children are in the care or have previously had contact with Child and Family Services.

While the age of protection is within federal jurisdiction, there are actions that could be taken by the provincial government to protect young people in the care of the Department of Family Services and Housing. Section 52 of The Child and Family Services Act could be strengthened to better safeguard minors in care.

We petition the Legislative Assembly of Manitoba as follows:

To request the Premier (Mr. Doer) to consider amending and strengthening section 52 of The Child and Family Services Act to allow for the greater protection of children in care from exploitation.

To request the Premier to consider urging the federal government to raise the age of protection to a minimum of 16 years of age.

This petition signed by Charlene Straight, E. Rachuk, D. Riley, and many, many others.

#### **Personal Care Homes—Virden**

**Mr. Larry Maguire (Arthur-Virden):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

Manitoba's provincial government has a responsibility to provide quality long-term care for qualifying Manitobans.

Personal care homes in the town of Virden currently have a significant number of empty beds that cannot be filled because of a critical nursing shortage in these facilities.

In 2006, a municipally formed retention committee was promised that the Virden nursing shortage would be resolved by the fall of 2006.

Virtually all personal care homes in southwestern Manitoba are full, yet as of early October 2007, the nursing shortage in Virden is so severe that more than one-quarter of the beds at the Westman Nursing Home are sitting empty.

Seniors, many of whom are war veterans, are therefore being transported to other communities for care. These communities are often a long distance from Virden and family members are forced to travel for more than two hours round trip to visit their loved ones, creating significant financial and emotional hardships for these families.

Those seniors that have been moved out of Virden have not received assurance that they will be moved back to Virden when these beds become available.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to consider taking serious action to fill the nursing vacancies at personal care homes in the town of Virden and to consider reopening the beds that have been closed as the result of this nursing shortage.

To urge the Minister of Health to consider prioritizing the needs of those citizens that have been moved out of their community by committing to move those individuals back into Virden as soon as the beds become available.

Mr. Speaker, this petition is signed by Jeff Milne, Terri Cosens, Tammy Hubka and many, many others.

#### **Crocus Investment Fund - Public Inquiry**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to the petition is as follows:

The 2007 provincial election did not clear the NDP government of any negligence with regard to the Crocus Fund fiasco.

The government needs to uncover the whole truth as to what ultimately led to over 33,000 Crocus shareholders to lose tens of millions of dollars.

The provincial auditor's report, the Manitoba Securities Commission's investigation, the RCMP investigation, the involvement of revenue Canada and our courts, collectively, will not answer the questions that must be answered in regard to the Crocus Fund fiasco.

Manitobans need to know why the government ignored the many warnings that could have saved the Crocus Investment Fund.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Premier (Mr. Doer) and his NDP government to co-operate in uncovering the truth in why the government did not act on what it knew and consider calling a public inquiry on the Crocus Fund fiasco.

Mr. Speaker, this is signed by Vera Rumley, Wayne Rumley, H. Swanson and many, many other fine Manitobans.

## COMMITTEE REPORTS

### Standing Committee on Crown Corporations

#### Second Report

**Mr. Doug Martindale (Chairperson):** Mr. Speaker, I wish to present the Second Report of the Standing Committee on Crown Corporations.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Crown Corporations presents—

**Mr. Speaker:** Dispense?

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

*Your Standing Committee on Crown Corporations presents the following as its Second Report.*

#### Meetings

*Your committee met on the following occasions:*

*September 29, 2005  
November 7, 2007*

*All meetings were held in Room 255 of the Legislative Building.*

#### Matters under Consideration

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 29, 2004*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2005*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2006*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2007*

#### Committee Membership

*Committee Membership for the September 29, 2005, meeting:*

*Ms. Brick  
Mr. Cullen  
Mr. Cummings  
Mr. Dewar  
Mr. Faurschou  
Mr. Jha  
Hon. Mr. Mackintosh  
Mr. Martindale (Chairperson)  
Mr. Penner  
Mr. Reid  
Mr. Swan*

*At the September 29, 2005, meeting your committee elected Ms. Brick as the Vice-Chairperson.*

*Committee Membership for the November 7, 2007, meeting:*

*Hon. Mr. Chomiak  
Mr. Jha  
Ms. Korzeniowski  
Ms. Marcelino  
Mr. Martindale  
Mr. Nevakshonoff  
Mr. Swan  
Mr. Cullen  
Mr. Derkach  
Mr. Graydon  
Mr. Maguire*

*Your committee elected Mr. Martindale as the Chairperson.*

*Your committee elected Mr. Jha as the Vice-Chairperson.*

### **Officials Speaking on Record**

*Ms. Marilyn McLaren, President and Chief Executive Officer*

*Ms. Shari Decter Hirst, Board Chair*

### **Reports Considered and Passed**

*Your committee considered and passed the following reports as presented:*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 29, 2004*

### **Reports Considered but not Passed**

*Your committee considered the following reports but did not pass them:*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2005*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2006*

*Annual Report of the Manitoba Public Insurance Corporation for the fiscal year ending February 28, 2007*

**Mr. Martindale:** Mr. Speaker, I move, seconded by the honourable Member for The Maples (Mr. Saran), that the report of the committee be received.

**Motion agreed to.**

\* (13:40)

## **Standing Committee Report on Justice**

### **Third Report**

**Ms. Marilyn Brick (Chairperson):** Mr. Speaker, I wish to present the Third Report of the Standing Committee on Justice.

**Madam Clerk (Patricia Chaychuk):** Your Standing Committee on Justice presents the following—

**Mr. Speaker:** Dispense?

**Some Honourable Members:** Dispense.

*Your Standing Committee on Justice presents the following as its Third Report.*

### **Meetings**

*Your committee met on Wednesday, November 7, 2007, at 3 p.m. in Room 254 of the Legislative Building.*

### **Matters under Consideration**

*Bill 202 – The Apology Act/Loi sur la présentation d'excuses*

*Bill 209 – The Historic Trans-Canada Highway Act/Loi sur l'ancienne route transcanadienne*

### **Committee Membership**

*Ms. Brick (Chairperson)*

*Mr. Cullen*

*Mr. Dewar*

*Mr. Graydon*

*Mr. Goertzen*

*Mr. Hawranik*

*Hon. Mr. Lemieux*

*Ms. Marcelino (Vice-Chairperson)*

*Hon. Ms. Oswald*

*Mr. Saran*

*Mr. Swan*

### **Public Presentations**

*Your committee heard one presentation on Bill 202 – The Apology Act/Loi sur la présentation d'excuses, from:*

*Leslie Worthington and Tracy Weber, Private Citizens*

### **Bills Considered and Reported**

*Bill 202 – The Apology Act/Loi sur la présentation d'excuses*

*Your committee agreed to report this bill, with the following amendment:*

*THAT Clause 3 of the Bill be replaced with the following:*

#### **Coming into force**

**3** *This Act comes into force 90 days after the day it receives royal assent.*

*Bill 209 – The Historic Trans-Canada Highway Act/Loi sur l'ancienne route transcanadienne*

*Your committee agreed to report this bill, with the following amendments:*

*THAT Clause 1 of the Bill be amended by striking out “Trans-Canada Highway” and substituting*

*“Highway No. 1” in the section heading and in the section.*

*Your committee voted to defeat Clause 2 of the Bill.*

*THAT the following be added after Clause 2 of the Bill:*

***C.C.S.M. reference***

***2.1 This Act may be referred to as chapter H66 of the Continuing Consolidation of the Statutes of Manitoba.***

*THAT Clause 3 of the Bill be amended by striking out “on the day it receives royal assent” and substituting “on a day to be fixed by proclamation”.*

*THAT the title of the Bill be amended by striking out “Trans-Canada Highway” and substituting “Highway No. 1”.*

**Ms. Brick:** Mr. Speaker, I move, seconded by the honourable Member for Wellington (Ms. Marcelino), that the report of the committee be received.

***Motion agreed to.***

**TABLING OF REPORTS**

**Hon. Eric Robinson (Minister of Culture, Heritage, Tourism and Sport):** Yes, Mr. Speaker, I'd like to table the 2006-2007 Annual Report for Travel Manitoba.

**MINISTERIAL STATEMENTS**

**Remembrance Day and Aboriginal Veterans' Day**

**Hon. Gary Doer (Premier):** Yes, I have a statement for the House, Mr. Speaker.

Mr. Speaker, I rise today to mark Remembrance Day, November 11, and Aboriginal Veterans' Day which is being observed today.

All Manitobans owe a debt of gratitude to veterans and their families who have made the ultimate sacrifice for our peace and freedom. Remembrance Day allows us to reflect on those who have given their lives and put their lives on the line in past conflicts.

It is also an opportunity to give thanks to the brave young men and women who continue to put their lives at risk every day in Afghanistan and throughout the globe.

It is always a sombre day when we in this Legislature rise in silence to recognize the death of a

soldier from our province. Those who die in past wars and those who die today are more than just soldiers. They are husbands, wives, brothers, sisters, fathers, mothers, friends and neighbours. We are very proud of their dedication to building and protecting Manitoba and Canada.

I'd like to recognize Norm Van Tassel, who is in the gallery today. He is joined in the gallery today by veterans of the Second World War, Korean War and the United Nations peacekeeping missions.

Mr. Van Tassel is a Korean war veteran and the only Manitoba recipient of the Distinguished Service Star for his service in Korea. In 2002, Mr. Van Tassel was awarded the Queen's Golden Jubilee Medal. He was a driving force for the creation of the memorial to peacekeepers on Memorial Boulevard.

Today is Aboriginal Veterans' Day, which gives us a special opportunity to recognize their proud and distinguished service. Manitoba has a long history of having outstanding Aboriginal veterans, and one only needs to look at the service record of Manitoba's own Tommy Prince. His stellar record in both the Second World War and in Korea makes us all proud.

On behalf of the government of Manitoba, I extend my gratitude to all veterans in Manitoba. They have stood up for our freedom in a way that makes them great heroes of our time. Thank you very much, Mr. Speaker.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** In response to the Premier's comments, I would like to, firstly, thank the Premier for those comments, and also acknowledge Mr. Van Tassel and other veterans of the major conflicts of the last century that we are taking the opportunity to pay tribute to, those who are still with us and those who have passed away, either in battle or in the time since those major conflicts, Mr. Speaker.

We observe Remembrance Day on the 11th hour of the 11th day of the 11th month in Canada every year, an important time marking the conclusion of hostilities in the First World War. It's an important time to pause to remember and acknowledge the profound good fortune that we have in our generation and our time for the many freedoms that we have, the opportunity to participate in a democratic forum, such as this Legislature, and the opportunities to live a secure and peaceful life within a good and strong democracy.

Through those major battles of the last century, Mr. Speaker, brave men and women fighting on

behalf of Canada and Canada's allies went to war in the First World War, battling imperialist ambitions; Second World War battling the extremism of fascism and the Korean War, where Canadian soldiers fought under the UN banner to resist attempts by communist regimes in that part of the world to expand their sphere of influence.

So, Mr. Speaker, we've had 1,500—I'm sorry, 1.5 million Canadians serve their country. More than 100,000 died in that service. So I want to just thank the Premier again for his comments, and also acknowledge the outstanding bravery shown by the Aboriginal people of our country, as today is a day to mark and remember the service of our country's Aboriginal citizens as Aboriginal Memorial Day.

So, thank you again, Mr. Speaker, we support the comments made. We pay tribute to our veterans, and we remain eternally grateful for the freedoms, prosperity and democracy that we today enjoy and would certainly support a moment of silence.

**Hon. Jon Gerrard (River Heights):** I request leave to speak to the Premier's statement.

**Mr. Speaker:** Does the honourable member have leave? *[Agreed]*

**Mr. Gerrard:** Mr. Speaker, today we salute the contributions of veterans, veterans from across Canada, but, of course, particularly those from Manitoba who have contributed over many wars and in peacekeeping and peacemaking missions around the world. They have contributed to the freedom and the rights and the democracy that we have today in Canada, and they are contributing and continue to contribute to the freedom and the rights of peoples around the world; salute Aboriginal veterans as well, notably Tommy Prince, but there are many others.

I remember not all that long ago meeting in St. Norbert an Aboriginal veteran who had just returned from Afghanistan with an injury. Aboriginal Canadians continue to contribute in a major way to our armed forces, and we need to acknowledge that and recognize that.

I have been over the last several years at several memorials at Shilo. During the last year, I had a moving conversation with a family member of a veteran who died in Afghanistan, when I was visiting in Clearwater. Mr. Speaker, it's time for all of us to recognize the extraordinary contributions of veterans from Manitoba and throughout Canada over many years. I think that it's important that we are together on this and that we remember this contribution and

dedicate ourselves to ensuring that our veterans and our troops have continued strong support from all of us.

**Mr. Speaker:** Is there agreement for a moment of silence? *[Agreed]*

Please rise.

*A moment of silence was observed.*

\* (13:50)

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, I'd like to draw the attention of honourable members to the public gallery where we have with us from Kelvin High School 24 grade 9 students under the direction of Mr. Chris Young. This school is located in the constituency of the honourable Member for River Heights (Mr. Gerrard).

On behalf of all honourable members, I welcome you here today.

### ORAL QUESTIONS

#### Crocus Investment Fund Maple Leaf Distillers Investments

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, before starting the question, I would just like to take a moment to congratulate the new Premier of Saskatchewan, Brad Wall, and his party for their success in yesterday's election, a change in government after 16 years in Saskatchewan. We certainly wish the new Premier and his new Cabinet the very best as they embark on the challenges ahead of them.

Mr. Speaker, this month marks the seventh anniversary of the Cabinet briefing prepared by the Minister of Finance (Mr. Selinger), which warned the Premier and his Cabinet that Crocus was operating outside of its prospectus and was headed toward a liquidity crisis. We all know that in the aftermath of that warning, some four years later, that 34,000 Manitobans were left stranded with significant losses totalling \$100 million impacting on the ability of many regular, average, unsuspecting Manitobans on their retirement plans and their personal finances.

Mr. Speaker, in the seven years since that Cabinet briefing, we've had, through a series of leaks and disclosures, the ability to at least in part piece together some of the events that transpired over that



seven-year period. Those events include investments by the Crocus Fund initially in March 2000 of \$1 million in Maple Leaf Distillers, a later investment in December 2001, of a further \$1.8 million, with a co-investment made by the Premier through the MIOP program of \$1.5 million, announced here at the Legislature with Crocus by the Premier as an investment in the economy of Manitoba.

Now, at the same time as the MIOP loan, the taxpayer-backed loan of \$1.5 million was provided to Maple Leaf, the government, under the Premier, sold to Maple Leaf a building at a cost of \$2.4 million in the context of a—sorry, \$2.5 million, in the context of what was deemed a \$6.4-million expansion. To date, Mr. Speaker, there's a discrepancy between the undervalued building owned by taxpayers which the Premier transferred to Maple Leaf Distillers at well below market value and the \$6.4 million that was touted as part of the expansion.

My initial question: I just want to ask the Premier whether he has any insight or can provide Manitobans, and in particular Crocus shareholders, with any insight as to what happened to the other \$3.9 million.

**Hon. Gary Doer (Premier):** Mr. Speaker, I believe the member opposite would like to ask questions about co-investments and MIOP loans with the government and Crocus, and I believe the losses, the net losses, prior to '99 with co-investments of Isobord, Winnport and Westsun were close to \$32 million of provincial taxpayers' money.

Secondly, Mr. Speaker, the obvious issue of that building that all of Manitoba's—unlike the members opposite losing money, we have made money on MIOP loans throughout the seven years. We have implemented the Auditor General's report of 1998 and '99 on due diligence on MIOP loans, and unlike most other potential creditors with Maple Leaf Distillers, the Province of Manitoba recovered through that building its investment in the company. We also note that the building that did become available became available because again another company went broke that was given that building by the former Tory government. I'll try to recall the name of the company, but it was another one of the house of cards of companies that went broke. It was a private company, a health-care equipment company, I believe, and when we came into office the building was empty. It was written off and,

unlike members opposite, we tried to get a recovery of that building and its assets for the people of Manitoba.

Mr. Speaker, we'll put our record on MIOP loans with Crocus—the Isobord loss of \$12 million, I think, at the time the government said, we're going to turn—*[interjection]*—straw into gold.

Well, they turned straw into a \$12-million loss. The losses were huge in the pre-'99 period with co-investments with Crocus and the Province of Manitoba.

### Costas Ataliotis NDP Fundraising

**Mr. Hugh McFadyen (Leader of the Official Opposition):** I know if you shuffle money from one pot to another that you can certainly make the case that that MIOP loan was repaid, Mr. Speaker.

I can tell the Premier and give him assurance that at no time did the previous government use Crocus investments to prop up the value of assets to repay taxpayer-funded investments as he has done in the case of Maple Leaf Distillers, which is why we have the scandal and the story that is currently unfolding before the eyes of the people of Manitoba.

So I want to ask the Premier that, in addition to the investment that was made with Mr. Ataliotis in December of 2001, a Crocus investment of \$1.8 million, an investment announced by the Premier of Manitoba standing side by side with Mr. Ataliotis in December of 2001, having appointed Mr. Ataliotis a month earlier in November of 2001 to the Premier's Economic Advisory Council—the top name on the list, Costas Ataliotis, owner of Maple Leaf Distillers—and so we have a situation where a year earlier he's warned about the pending crisis at Crocus—November of 2001, a year later, he appoints Mr. Ataliotis to his advisory council. A month later he puts \$1.5 million into Mr. Ataliotis' company, provides him with a building at below market value, Mr. Speaker. And we all know what happened after that to the Crocus shareholders who were left holding the bag when they were unable to recover money through the liquidation of Maple Leaf's assets some years later.

So I want to ask the Premier, given that Mr. Ataliotis made the comment in December as part of the announcement that was made and later contradicted by Pernod Ricard in terms of the deal that was being announced, but the comment made: the unprecedented support and assistance that Maple

Leaf Distillers has received from the government of Manitoba and, in particular, the Premier has rendered possible what otherwise would not have been achievable.

Now we know that Mr. Ataliotis was a significant cheerleader for the Premier. We know that Mr. Ataliotis was very good at raising money from government entities or Crocus, which was under the regulation of the government. We know he was good at spending money, but what we didn't realize until recently was that he's also particularly good at political fundraising.

I just want to ask the Premier: How much money did Mr. Ataliotis raise for him and the NDP during the period of time after these investments?

\*(14:00)

**Hon. Gary Doer (Premier):** Mr. Speaker, the member opposite would know that various companies donated, both were given Cabinet exemptions from certain requirements under the law prior to '99, and gave considerable amount of money to the Conservative Party. That's one of the reasons why we banned union and corporate donations. If they look at the record of Wellington West and the Cabinet exemptions to be a lessee company and the company that signed the prospectus, I will daresay that members opposite will know considerable amount of money was donated by Wellington West as a corporate entity to the former Conservative government. I also know that individuals gave to the NDP, but there is no corporate or union donations after the law was passed and in effect.

Mr. Speaker, the name of the company that defaulted to the taxpayers was National Health Manufacturing. When we came into office, it defaulted by \$2.2 million. It was a Conservative MIOP loan that was defaulted on. It flowed upon the Isobord of 12 million, Westsun and—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Doer:** Thank you, Mr. Speaker, and the three companies that totalled \$32 million in co-investments. We also know that the Member for Lac du Bonnet said, that quote: We won't get a cent back from National Leasing. Well, that proved to be wrong, again, like most allegations made by members opposite, the sky is falling allegations were all problem to be—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order. I want to remind members that we have guests in the public gallery, especially the veterans are in the gallery, that made many sacrifices for us to enjoy the democracy in the parliamentary system that we enjoy today. Let's have a little bit of decorum in here, please.

The honourable First Minister has the floor.

**Mr. Doer:** Mr. Speaker, we have said in court this week with the receiver's report, we've said make it public and we're more than willing for that document to be made public.

### **Crocus Investment Fund Maple Leaf Distillers Investments**

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Mr. Speaker, I am surprised to see members opposite clapping for that response. The Premier hasn't been forthcoming about how much money was raised for him and the NDP by Mr. Ataliotis after receiving the bargain basement price building, the \$1.5-million loan and over \$700 million in investments from the Crocus Fund. That mess, as we know, has blown up in the face of innocent Manitobans who invested in Crocus thinking it was a good investment, and I think they deserve answers as to what was behind these transactions that the Premier was involved in.

So I want to ask the Premier whether when he had dinner at 529 Wellington restaurant in March 2002, three months after the investment and the transfer of the building from his government to Maple Leaf Distillers, when he had dinner with Maple Leaf Distillers and with the good people of Crocus at 529 Wellington restaurant, whether he had the opportunity between bites of steak and between sips of Bordeaux to ask the Crocus people about the fact that they're operating outside their prospectus. I wonder if he had the opportunity to ask the people at Maple Leaf what was going on with the \$3.9-million discrepancy between the so-called expansion and the value of the building that he transferred to their company.

**Hon. Gary Doer (Premier):** Well, certainly I do recall a dinner with the former Lieutenant-Governor and mayor dealing with the Greek community and people from the Greek Consul General in Manitoba.

Mr. Speaker, I would point out that the money that was lent to Maple Leaf had a building as security, unlike Isobord where we lost \$12 million, unlike Westsun, unlike Winnport, unlike the

32 million, we actually had security. Due diligence was conducted by independent civil servants. The Treasury Board analysts analyzed everything and, in fact, when members opposite falsely said that we would not get any money back, the Member for Lac du Bonnet was in the newspapers saying they're not going to get a cent back. We were one of the only groups of people, by the way, credit unions lost millions of dollars with the operation, individuals lost millions of dollars, the people of Manitoba got their money back because we had a security called the building that we actually took over when the Tories lost and defaulted money with another ill-ventured MIOP loan.

Mr. Speaker, Tories lose \$32 million in MIOP loans in five years before they're defeated. This government has made money on MIOP loans. That's the difference.

#### **Child Welfare System Protection of Vulnerable Children**

**Mr. Stuart Briese (Ste. Rose):** Mr. Speaker, a 14-year-old girl under the care of Child and Family Services has tragically committed suicide.

Can the Minister of Family Services tell the House why the Child and Family Services system failed to protect this girl?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** I'm sure that the members opposite would join in extending sympathies, Mr. Speaker, and condolences to the survivors of Melissa, as well as the members of the community. It can have a profound impact on a community that has been facing many challenges of suicide, of poverty, and it is so tragic that a young Manitoban would have so much despair that she would take her own life.

There are too many, and it calls on all of us to redouble our efforts to provide supports for communities, particularly many of the northern and remote communities that we must work in a stronger partnership, obviously, with others, including our federal counterparts. But we must do what we can within our own bailiwick as well and, Mr. Speaker, as part of our redoubling of efforts, we have committed to doubling our investment in child protection since coming into office. That's only part of it. We have to enhance all of our procedures as best we can.

**Mr. Briese:** Mr. Speaker, the minister still fails to answer the question. This government has failed to

implement real changes that will prevent these tragedies. They talk about putting more money into the system and solving the problem. They're not getting results.

Manitobans expect answers. So I will, again, ask the minister: Why is the Child and Family Services system failing to protect our most vulnerable children?

**Mr. Mackintosh:** Mr. Speaker, I'm sure that the member knows full well that there's an overhaul, indeed, a transformation of the child welfare system occurring in Manitoba as a result of lessons learned from very tragic circumstances.

The Changes for Children initiative has, so far, ensured that children are out of hotels, with only rare exception; that we have, I understand, 500 more foster beds in Manitoba, a tremendous commitment from Manitobans to open their hearts and their homes.

We've seen a commitment, I understand, of 78 new positions going into the child welfare system for front-line relief. We're seeing improvements to the information management system. We're seeing enhancements to training, suicide prevention, Mr. Speaker, which is really critical I think to the bad news that we are dealing with this week in Manitoba. We know there's so much more to do. It's a good start.

#### **Bloodvein First Nation Shortage of Child Welfare Workers**

**Mrs. Mavis Taillieu (Morris):** Mr. Speaker, I received an e-mail last night and I find it very disturbing. I am told that the Bloodvein First Nation has been without CFS workers since October 31, when the band council passed a resolution to remove two of the three CFS workers from the reserve. The writer is very concerned about the safety and protection of children in the community, as we all are, in light of the recent tragedy at Berens River.

Mr. Speaker, will the Minister of Family Services tell this House when he first became aware that children on the Bloodvein First Nation were placed at risk?

**Hon. Gord Mackintosh (Minister of Family Services and Housing):** Mr. Speaker, the member opposite, I believe, does not have the full information. I've been assured that there was a dispute between the agency and council in that First

Nation. It's my understanding that services are continuing. There are workers there, and supervisors, and their work is going on unhindered by band council.

As well, I can advise the member that it's my understanding that, in order to deal with the root of the concern, the agency has been meeting with the councillors and the chief as late as this morning. But, again, to reiterate, my understanding, my information this morning is that services for children and families is continuing unhindered.

\* (14:10)

**Mrs. Taillieu:** We are not convinced, in light of the answers that have been provided by the minister, that he has taken sufficient action here.

The e-mailer has raised a number of questions that I think need to be answered. He raises the questions: Can the band council fire the staff of Southeast Child and Family Services? What about the safety and the best interests of the children? Is the council now in control of the child welfare system? And then, I wonder if he will ask the NDP government how long they are willing to let this situation stand as it is now.

He says that he has addressed this but, Mr. Speaker, the people on the Bloodvein First Nation are very concerned about the safety and protection of their children. I would want assurances today that the three Child and Family Services workers are re-instated into their jobs.

**Mr. Speaker:** Order.

#### **Point of Order**

**Mr. Speaker:** The honourable Government House Leader, on a point of order.

**Hon. Dave Chomiak (Government House Leader):** I think it's a rule in this House that a letter received from a member, when made public, should be provided. And I would hope that, in fact, the member would have provided the letter last night when she received it. If she hasn't, perhaps she can provide it to us today, in line with the rules in the House.

**Mr. Gerald Hawranik (Official Opposition House Leader):** On the same point of order, Mr. Speaker. Clearly, the member was not quoting directly from the e-mail. She wasn't quoting directly from the e-mail. If you're quoting directly, then, of course,

you have to table the e-mail in the House, but she wasn't quoting directly.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I'm sure we'll find that our rules indicate that if you're citing a letter my understanding is that there is no rule dealing with e-mails and, given the sensitive nature, I don't know if there's a valid argument to be made that a document of this nature would have to be tabled.

To the best of my knowledge, I've never seen a member being forced to table an e-mail that they're sent because there could be something of confidence, and it might not be in the individual third party's best interest to table such a document.

**Mr. Speaker:** On the point of order raised by the honourable Government House Leader, our rules state that if it's a private letter, a signed private letter, then it would have to be tabled.

So I ask the honourable Member for Morris, are you quoting from a signed private letter?

**Mrs. Taillieu:** No, Mr. Speaker.

**Mr. Speaker:** That should take care of the matter. Okay, we will move on.

\* \* \*

**Mr. Mackintosh:** We'll get the rules out of the '60s yet, I'm sure.

Mr. Speaker, on the issue raised, it's my understanding that there may well be federal funding issues at play here. We will look to see what resolution comes, but I also understand that the agency has been working in the community, that there has been no interference with the work of the agency. And I understand that a safety plan was in place when there was half a day when the staff may not have been in the community.

In conclusion, the legal framework for Child and Family Services in this province is paramount. The best interests of the child, of course, must be supreme.

#### **Victims of Crime Delays in Justice**

**Mr. Gerald Hawranik (Lac du Bonnet):** Recently, Nghia Vu pled guilty to a sexual assault. This came 32 months after he was charged, Mr. Speaker, 32 months waiting for justice for a sexual assault victim. In 1998, the NDP leader, now the Premier, was on record in this House as saying that justice delayed is

justice denied. This sexual assault victim had justice denied for 32 months.

So I ask the Minister of Justice: Why has he failed to provide justice to this victim?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, indeed, that is a very prominent and important phrase in the provision of law services.

I think the member is probably aware of the Front End Project, which was launched by the Province and the Chief Justice of the Provincial Court that looked at victims of sexual assault, victims of family violence as a prioritization to reduce wait times for court dates.

In fact, the minister and the Chief Judge were at the United Nations to receive a United Nations award for the innovation, and the ability to speed up the process as a result of the Front End process is now expanding as a result of the family violence experience throughout the entire court system.

**Mr. Hawranik:** Mr. Speaker, all kinds of trials are being delayed ranging from very serious criminal cases to traffic offences. Five years ago, as an example, Manitobans had to wait four months to get their day in court for traffic ticket offences. Today, the trial could be as long as 14 months delayed. Justice delayed is justice denied. Those are the Premier's words.

So I ask the Minister of Justice: Why has he failed to ensure that trials occur in a timely manner?

**Mr. Chomiak:** Mr. Speaker, in fact, the Front End Project that focussed on serious violence cases, sexual cases and cases of people in custody have significantly reduced trial times; in fact, in most cases, in half. In fact, in-custody cases dates can be set within a month.

With respect to the traffic cases and the by-law cases as the member cites, the volume has increased from 106,000 to over 200,000, Mr. Speaker, as a result, partially of photo radar, et cetera. It's a result of many more people going to contest their by-law or their speeding matter of court. Processes are in place right now to increase the court time for those traffic tickets. But, someone on trial who's in custody is far different than someone who's waiting for a traffic ticket.

### Agriculture Support Programs Government Decisions

**Mr. Ralph Eichler (Lakeside):** Next week, Canada's agricultural ministers will meet to discuss matters like the next generation of farm programs. The provincial government must reiterate the high input cost, low prices, rising dollar are hammering Manitoba's livestock sector. The CAIS program is not working. We need clear commitment from this government that it's going to come back from these meetings with a plan of action.

Mr. Speaker, can the Minister of Agriculture tell this House if she is planning to sign on the Growing Forward agreement or if she's sticking with the CAIS program?

**Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives):** Mr. Speaker, as we have been moving from the APF 1 to APF 2, there has been a tremendous amount of consultation with the industry and advice from the industry. As a result, there are several changes that have been made to the APF agreement and different portions of it such as AgriInvest, AgriStability. Those topics are subject to the discussion that we will be having next week with federal and provincial ministers.

**Mr. Eichler:** Mr. Speaker, that's not the answer the producers need. The link to the CAIS program makes it difficult for producers to access the livestock cash advance program. More than 10,000 cattle and pork producers are dealing with tremendous challenges such as the high dollar, low prices, high input cost and trade issues. When these multimillion dollar industries struggle, the hurt will be felt throughout the province's economy.

Mr. Speaker, I ask the minister again: Will she come back from Toronto with an action plan to help our farmers now and in the future? Don't leave them hanging any longer.

**Ms. Wowchuk:** Mr. Speaker, indeed, there are many sectors that are suffering because of the high dollar, and there are changes that are being made to address issues that farmers have raised with us. The cattle producers have the ability to apply for an advance of their CAIS payment. I would encourage the member to tell those producers to make that application to get the cash flow that they need. The member says it isn't working. He's been against the program right along, but the program has paid out millions of dollars. There's no doubt changes have to be made, and we will continue to work to refine the program.

### **Contaminated Sites and Landfill Management Staff Shortages**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, yesterday, the Auditor General released her report on the Province's management of contaminated sites and landfills. She found that, at the time of the audit, 19 of the 68 positions in Manitoba Conservation that deal with overseeing environmental programs were in fact vacant. These positions deal with matters like PCBs, hazardous waste and the dangerous goods and contaminated sites programs.

Will the Minister of Conservation explain how there came to be a 28 percent vacancy rate in such a key programming area?

**Hon. Stan Struthers (Minister of Conservation):** Mr. Speaker, the Member for Tuxedo starts from a very, very, very weak position. I mean, a number of years ago, oh, eight years ago, there was only two part-time positions. Today, there is 15 staff dedicated, 15 full-time staff dedicated to do the job in the area that she's talking about. You go back to the Environment Minister of the day who said, and this is Jim McCrae, who said he was totally happy with that number. That was totally appropriate for the amount of work that he saw that needed to be done. So she starts from a very weak position.

I also want to say, Mr. Speaker, that we can work with the recommendations coming out of that Auditor General's report to make even stronger the work that we've been doing.

\* (14:20)

**Mrs. Stefanson:** Mr. Speaker, it was recently reported that in June 2004 a radioactivity monitor was set off at the landfill in Ile des Chênes. The culprit was a device containing radioactive barium that came from the St. Boniface General Hospital. This is the type of incident that raises red flags and is exactly why it's so important to have a full complement of staff in place.

Why has he allowed for a 28 percent vacancy rate in staff who oversee environmental programs that deal with hazardous waste materials and PCBs, Mr. Speaker?

**Mr. Struthers:** Mr. Speaker, that's exactly why we've been working to make sure there are more and more people in place to do these kinds of jobs, whereas when we became government it was pathetic. We're working at this. We're adding positions to make sure that we can follow up on

cases as she's put on the record here today. The Auditor General has recognized that.

Since 2006, since the report began, we have hired five more, Mr. Speaker. We're continuing to do that. We're continuing to add people that can do these jobs, and I think that the Auditor General has made that very clear. She has said in her scrum, she said very clearly for core government a lot of work has been done.

She's right with that. We have put together a—

**Mr. Speaker:** Order.

### **Premier's Comments Apology Request**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, a serious letter full of all sorts of allegations of corruption and bribery was given to the Premier (Mr. Doer) last year. Last year the Premier tried to give Manitobans, the Legislature and members of the media the impression that he gave that letter to Elections Manitoba. The reality, as we know, is that he did not give it to Elections Manitoba directly. He gave it to the New Democratic Party. We don't know how much time lapsed before it was finally passed over to Elections Manitoba. We don't know. What we do know is that the Premier of this House attempted to mislead Manitobans, members of this Legislature and the media press gallery of the Legislature, to believe that he gave it to Elections Manitoba direct.

My question to the Premier is: Will he do the honourable thing and apologize for his behaviour?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Chomiak:** —the letter that the member refers to, he said himself he had in his possession and had viewed several months before he raised it in the Legislature. Upon raising in the Legislature, he said when the Elections Manitoba examines this, if I'm found to be incorrect, I will resign my seat forthwith. He said that several times, both in the Chamber and outside the Chamber.

Elections Manitoba did a review and found no culpability. And the member still has the audacity to stand up in this House and try to raise, again, the same issue of a letter for which he, himself, sat on, he admitted, for several months, Mr. Speaker. I do think he doth go down the wrong path.

**Manitoba Government  
Code of Ethics Enforcement**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, the government representative would have a better understanding had he attended the public meeting in the Premier's constituency.

Mr. Speaker, he is factually correct on so many parts.

Mr. Speaker, the Monnin inquiry came out with the report saying that leaders of political parties—that would include the Premier—leaders of political parties have a responsibility to enforce the code of ethics.

Mr. Speaker, my question to the Premier is: Can the Premier please tell this Legislature how he enforced the code of ethics, something which he said that he would do back in the year 2000 and beyond. How has he enforced the code of ethics related to this issue?

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** Mr. Speaker, with respect to the letter that the member sat on for several months, I understand when the Premier (Mr. Doer) was in receipt of that letter that had been hidden by the Member for Inkster for several months, he immediately referred it to Elections Manitoba. A review was taken—[interjection]—through provincial offices. A review was taken, an election was held.

The Member for Inkster ran on two issues: That he could sit at the front. He raised that in the House of the Legislature, and on this issue he ran his whole election campaign. He's still running on that, Mr. Speaker. He's conducting public meetings all around the city while we work on crime, while we work on health care, while we work on child and family services, the member's running around the province having meetings attended by 20 people or more, taking out ads, they're talking about this issue, Mr. Speaker. I think it speaks for itself.

**Mr. Lamoureux:** Mr. Speaker, I would hope—[interjection]

**Mr. Speaker:** Order.

**Mr. Lamoureux:** Mr. Speaker, I would hope that the member will take advantage of that next public meeting which will be on November 28. The Premier has a responsibility to enforce the code of ethics. Prior to this incident, he was an advocate. The Monnin inquiry said that if a leader, and particularly

let's say the Premier, is not prepared to enforce the code of ethics that the government of the day bring in legislation that would enforce a province-wide code of ethics.

Will the Premier stand in his place and endorse the Monnin inquiry today by indicating that he will bring in legislation that will ensure that there's a code of ethics that leaders and others will have to live by in order to prevent corruption that is being alleged from his office, Mr. Speaker?

**Mr. Chomiak:** Mr. Speaker, first off, the Monnin inquiry established a number of facts, indicated he had never seen so many liars in his life as a result of his hearing. We followed the instructions of the Monnin inquiry. Remember, the Monnin inquiry was set up by the Tory government to examine the Tory government. He made its conclusion about corruption in that government.

We were asked to clean it up. Since then, we have an ethics commissioner, Mr. Speaker. We have legislation. We've expanded legislation. The core of ethics is doing what you said you would do. The member said if it went to Elections Manitoba, and there was no culpability, he would resign. He said on CJOB that; he said that in the hallway. He ought to do what he, himself, is asking about. He ought to resign before he makes scurrilous allegations like this over and over again—

**Mr. Speaker:** Order.

**Aboriginal Post-Secondary Education  
Latest Advances**

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, in view of the Aboriginal round table—

**Some Honourable Members:** Oh, oh.

**Mr. Speaker:** Order.

**Mr. Jennissen:** Thank you, Mr. Speaker, I'll try that again.

In view of the Aboriginal round table hosted by Lloyd Axworthy, David Chartrand, Chief Ron Evans and Chief Phil Fontaine, could the Minister of Advanced Education and Literacy advise us of the latest advances in Aboriginal post-secondary education?

**Hon. Diane McGifford (Minister of Advanced Education and Literacy):** I was very pleased yesterday morning to join President Axworthy and the chiefs, and in response to the member's question, I'd like to point to the Tuesday afternoon swearing in

of Ovide Mercredi as the chancellor of the University College of the North, the second Aboriginal chancellor in Canada, who joins the Aboriginal president of the college, Denise Henning, the Aboriginal chair of the Governing Council, Lorne Keeper, and also the Aboriginal Council of Elders.

Mr. Speaker, we have two main campuses. We have 12 community-based campuses. We are spreading knowledge and learning across the north and respecting traditional knowledge at the same time. This is social justice in action.

#### **The Mandatory Testing for Pathogens Act Government Support**

**Mr. Kelvin Goertzen (Steinbach):** Mr. Speaker, every day police, paramedics and firefighters from across the province put their lives on the line to protect us in society. In fact, the Winnipeg Police Service indicates that their police officers are assaulted at a higher rate than any other similar-sized city in all of Canada.

Yet, we have a pathogens bill, here before the Legislature, which would protect those police, those paramedics and those firefighters and their families by giving them peace of mind to ensure that any bodily substances that they come into contact with can be tested so that it wouldn't cause them harm.

Yet, this government has killed that bill once before, and they're about to kill it again.

Why won't this Minister of Justice (Mr. Chomiak) stand up for the police, stand up for the paramedics, stand up for the firefighters, and ensure that they get the same kind of protection that they're giving us each and every day?

\* (14:30)

**Hon. Theresa Oswald (Minister of Health):** It's my pleasure to rise and answer this question. In conversation with the member opposite on this bill, we have said to him that we support in spirit the principle of the bill.

Although, you know, he feels quite free to write in the *Free Press* that we support the bill entirely. He spoke for us. I think he spoke for the firefighters too, which is also incorrect.

I can say to the member opposite that we certainly do support the principle of it, but we know that the bill is a photocopy of a bill from Ontario that

has been dumped. We need a better bill, and that's just what we're going to do.

**Mr. Goertzen:** Mr. Speaker, this legislation has been before the Legislature for more than a year. There hasn't been one request for a meeting from the minister. There hasn't been one amendment put forward. They've stalled this bill for more than a year. Now they're going to kill it for a second time. That's a year that firefighters could have gotten protection. That's a year that police officers could have gotten protection. That's a year that paramedics could have gotten protection. Instead this government has decided to play petty politics with a very, very serious issue.

Why won't this Minister of Health, why won't the Minister of Justice stand up for the police officers, stand up for the firefighters, stand up for the paramedics, which sometimes they say they want to protect, that they want to support, but they won't put those words into action, Mr. Speaker?

**Ms. Oswald:** Certainly the member opposite and I have had conversations about this bill, and we've encouraged him and indeed invited him to be part of a process where together we can come forward with a bill that will work, not a bill that is a photocopy of one that has been summarily dropped in Ontario. We want at the forefront of any bill having to do with blood testing, first and foremost, the health of Good Samaritans and of those working in justice and as paramedics. We know that we want No. 1, their protection to be at heart, not a lengthy court battle that doesn't work, but protection, instantaneous administration of prophylaxis. That's what we're going to work towards, Mr. Speaker, and we would be delighted if the member opposite joins us in that movement.

#### **PTH 15 Bridge Safety**

**Mr. Ron Schuler (Springfield):** My question is to the minister of highways. Can he assure this House that PTH 15 bridge, that's the Dugald bridge over the floodway, that it's safe? The widening of the floodway has now moved north, and can he assure residents that cross that bridge that it is indeed safe?

**Hon. Ron Lemieux (Minister of Infrastructure and Transportation):** Yes.

**Some Honourable Members:** Oh, oh.



**Mr. Speaker:** I already heard the honourable minister answer that question.

Time for Oral Questions has expired.

### Speaker's Rulings

**Mr. Speaker:** I have a couple of rulings for the House here.

Following Oral Questions on November 5, 2007, the honourable Member for Russell (Mr. Derkach) rose on a matter of privilege regarding comments spoken by the Minister of Justice (Mr. Chomiak) during Oral Questions. At the conclusion of his remarks, the honourable Member for Russell moved that this matter be reviewed by Mr. Speaker, and that the Minister of Justice be asked to apologize to this House and to those who do not subscribe to his ideology and his choice of political philosophy. The honourable Government House Leader (Mr. Chomiak), the honourable Leader of the Official Opposition (Mr. McFadyen), and the honourable Deputy Government House Leader (Mr. Ashton) offered contributions to the Chair. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

Regarding the first issue, the honourable Member for Russell (Mr. Derkach) indicated that he was raising the matter at the earliest opportunity, and I accept the word of the honourable member.

Regarding the second issue, I must advise that a prima facie case of privilege has not been established. As Joseph Maingot advises on pages 254 and 255 of the second edition of *Parliamentary Privilege in Canada*, language spoken during a parliamentary proceeding that impugns the integrity of a member would be unparliamentary and a breach of order but not a breach of privilege, and he also advises on page 253 that allegations from one member to another constitute a matter of order and not privilege.

In addition, on page 14, Maingot also states that to constitute privilege there must be some improper obstruction to the member in performing his or her parliamentary work in either a direct or constructive

way, as opposed to mere expression of public opinion or criticism of the activities of the member.

Turning to our past Manitoba precedents regarding allegations raised as privilege, Speaker Rocan ruled in 1988, 1992 and 1995 that the matters were out of order as privilege because the items should have been raised as order, not privilege, and that it must be demonstrated that improper obstruction preventing a member from performing his or her parliamentary work has taken place. In addition, Speaker Dacquay also ruled in 1995 that improper reflections are matters of order and not privilege. As Speaker, I ruled the same way on March 14, 2006.

I can appreciate that at the time, members were caught up in a discussion during Oral Questions on an issue that is of importance to members on both sides of the House and which members also have strongly held feelings about. Sometimes, given that diverse differences of opinions can exist, all members can do is agree to disagree. While acknowledging that members may have strongly held views about the issues that were discussed, I must respectfully reiterate that the issue raised was not in order as a prima facie case of privilege for the reasons cited in the ruling.

I have one more ruling.

Following Oral Questions on November 5, 2007, the honourable Member for Springfield (Mr. Schuler), rose on a matter of privilege regarding comments spoken by the honourable Minister of Intergovernmental Affairs (Mr. Ashton). At the conclusion of his remarks, the honourable Member for Springfield moved "THAT this matter be reviewed by Mr. Speaker and that the Minister of Intergovernmental Affairs be asked to apologize to this House and those who do not subscribe to his ideology and to his choice of political philosophy." The honourable Minister of Intergovernmental Affairs and the honourable Member for River East (Mrs. Mitchelson) also offered contributions to the Chair. I took the matter under advisement in order to consult the procedural authorities.

There are two conditions that must be satisfied in order for the matter raised to be ruled in order as a prima facie case of privilege. First, was the issue raised at the earliest opportunity, and second, has sufficient evidence been provided to demonstrate that the privileges of the House have been breached, in order to warrant putting the matter to the House.

Regarding the first issue, the honourable Member for Springfield indicated that he was raising the matter at the earliest opportunity, and I accept the word of the honourable member.

Regarding the second issue, I must advise that a prima facie case of privilege has not been established. After reviewing the comments of the honourable Member for Springfield, he essentially disagreed with the comments placed on the record by the honourable Minister of Intergovernmental Affairs, and as *Beauchesne* citation 31(1) advises, a dispute between two members as to allegations of facts does not fulfill the conditions of parliamentary privilege.

Also, Joseph Maingot advises on pages 254 and 255 of the second edition of *Parliamentary Privilege in Canada*, language spoken during a parliamentary proceeding that impugns the integrity of a member would be unparliamentary and a breach of order but not a breach of privilege. He also advises on page 253 that allegations from one member to another constitute a matter of order and not privilege.

In addition, on page 14, Maingot also states that to constitute privilege, there must be some improper obstruction to the member in performing his or her parliamentary work in either a direct or constructive way, as opposed to mere expression of public opinion or criticism of the activities of the member.

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\* (14:40)

As I ruled in the case of the matter of privilege raised by the honourable Member for Russell (Mr. Derkach), I can appreciate that at times members were caught up in a discussion on an issue that is of importance to members on both sides of the House and which members also have strongly held feelings about. While acknowledging that members may have strongly held views about the issues that were discussed, I must respectfully reiterate that the issue

raised was not in order as a prima facie case of privilege for the reasons cited in the ruling.

## MEMBERS' STATEMENTS

### Norm Van Tassel

**Ms. Bonnie Korzeniowski (St. James):** Mr. Speaker, there are people who do great deeds in life, but not all of them are heroes. I would like to recognize a person who is undoubtedly a hero of our age. Norm Van Tassel is a Korean War veteran and past president of the Korea Veterans Association Unit 17.

As a member of the board of directors for the Last Post Fund in Winnipeg, Norm was involved in a successful fundraising initiative that supported the building of a columbarium in the Brookside Cemetery Field of Honour. It was created in 1998, to commemorate those servicemen from Manitoba who were killed in Korea and those in the Canoe River train wreck on their way to serve in Korea.

Norm was recognized for his continued outstanding contributions to fellow veterans when he was awarded the Korea Veterans Association's highest award, the Distinguished Service Star, the only one issued in Manitoba. In 2002, Norm was awarded the Queen's Golden Jubilee Medal in recognition of his work on behalf of the Canadian Association of Veterans in United Nations Peacekeeping. He has been instrumental in the creation of the Sgt. Tommy Prince Unit of the Royal Canadian Legion Branch No. 4 in St. James.

Norm worked diligently with myself and the Member for Assiniboia (Mr. Rondeau) in the creation of a memorial for peacekeepers' work in the past, present and future on Memorial Boulevard. The memorial acts as a constant reminder of Canada's role in developing and participating in peacekeeping missions. The memorial also looks to our future involvement and the sacrifices that Canada will be making towards keeping the peace.

It isn't every day that we get to take stride beside great heroes. We often come to know them through stories and history books. It is through the patient advocacy and personal valour that a person like Norm Van Tassel becomes a great hero of our age. The guidance and forethought that a person like him provides to each and every one of us makes us wiser and more aware of the world we live in. I know that I have always looked to Norm as a friend and trusted voice on veterans' issues. It has been a pleasure to work with this great Canadian.

I would ask that all honourable members join me in congratulating Norm Van Tassel for his exemplary service to his country, his province and his community. Indeed, we will remember them.

### Remembrance Day

**Mr. Rick Borotsik (Brandon West):** Mr. Speaker, I rise today to pay my respect to those many men and women of the Canadian Armed Forces who have sacrificed so much so that we can have the many freedoms we enjoy as Canadians. The poppy we wear today is a symbol of that sacrifice.

I had the honour for the better part of 25 years to place a wreath during Remembrance Day services and to reflect on the wars past and present.

I have a personal involvement as I lost an uncle during the Second World War. I never had the opportunity to get to know my uncle as he died before I was born. He was a young man, full of promise. He had a spring in his step and a passion for life. He was a schoolteacher, Mr. Speaker. His name was Sergeant Observer Michael Mazier. Soon I will be one of the few to be the keeper of his memory. I have his picture in full uniform. I have the letters he wrote to his mother and father, my grandmother and my grandfather. I have the telegram received by my grandmother informing her of our family's loss.

My Uncle Mike lost his life over the skies of the British Isles. I will forever remember him and many like him who have allowed us to be who we are. He has allowed me to place my name on a ballot in free elections. He has allowed me to cherish the democracy and freedom we sometimes take for granted. This poppy, Mr. Speaker, is but a symbol of those memories.

We should remember not just on Remembrance Day but every day of our lives. I do, every day when I look at my Uncle Mike's picture, Mr. Speaker. Thank you. Thank you to the men and women who have gone before us. Thank you to the men and women who fight today for our freedoms. Lest we forget. Thank you.

### First Annual World Diabetes Day

**Mr. Tom Nevakshonoff (Interlake):** Mr. Speaker, the first annual World Diabetes Day will be marked on November 14, in accordance with the United Nations resolution passed in 2006. This is an important event for Manitobans since it is estimated that the total number of Manitobans living with

diabetes has exceeded 63,000, with more than 6,000 new cases diagnosed each year since 2001.

Diabetes affects people all over Manitoba, but type 2 diabetes among First Nations people has reached epidemic levels at approximately twice the rate of all Manitobans. In particular, type 2 diabetes rates among First Nations women are highly disproportionate to the rates among non-Aboriginal women in the province. Approximately 50 percent of First Nations women over 50 are living with type 2 diabetes. Mr. Speaker, that is four times more than their non-Aboriginal counterparts.

Diabetes presents many challenges to our province and our health-care system. I'm proud to be a part of a government that is taking action to combat this illness. Since 1999, the Province has continued to invest in more dialysis services closer to home for rural and northern Manitobans.

In the election, we committed to implementing dialysis units at Berens River and at the Percy E. Moore Hospital in Hodgson, which will serve the First Nations people of Peguis, Fisher River, Kinonjeoshtegon, as well as the surrounding area. In addition, we have implemented new dialysis units in Norway House, Garden Hill, Swan River, and recently announced \$1.5 million to expand dialysis treatment for Gimli and the surrounding area.

Our government also launched a chronic disease prevention initiative in 2006, which provides support to communities for the creation of chronic disease prevention programs. This program is tailored to the unique needs of people in the community. Having a program is one thing, but making sure that it is culturally appropriate and meaningful to the people it is intended for sets our government apart from many others.

Given that diabetes disproportionately affects Aboriginal people to other Manitobans, we are committed to working in partnership with Aboriginal people to help them address this disease. It is important to have Aboriginal people tell us what they need instead of us telling them what they need. Thank you.

### Remembrance Day

**Mr. Ralph Eichler (Lakeside):** This being Aboriginal Veterans' Day, and as Remembrance Day draws closer, I am grateful to speak about the profound impact that our veterans and Canadian Forces service personnel have had on our society. They have laid down or risked their lives to protect

our society. Today, we stand united to remember their bravery. We grieve for the lives lost and are thankful for those soldiers who returned home safely.

The brave men and women of Manitoba and Canada who served in the World Wars, Korea and on many peacekeeping missions are the definition of the term "hero." They have shown great courage and selfless nobility. In return, we offer them our heartfelt gratitude.

At the Manitoba Legislative Assembly building in the Manitoba Room, we keep books of remembrance. Each day a page is turned to reveal another list of names of the fallen from World War I and II, Korea or the Boer War. This quiet ritual is one that could go unnoticed. These are names of over a hundred thousand soldiers from the wars in our past, but each name represents a life lost too soon. A person was taken from their family, a soldier who gave their life.

We continue to do this act of remembrance for the same reason we wear a poppy. It is our pledge to remember them.

On Remembrance Day we observe a moment of silence to commemorate the sacrifices and bravery of our veterans, but, Mr. Speaker, this is a day we should not always be silent. This is a day we should speak the names of the fallen and those who served. We should speak about their experiences, fears and legacy. We speak the words, "lest we forget," but we should consider what might happen if we forget the horrors and consequences of war. If we forget, then we risk our freedom and peaceful existence.

Each Remembrance Day, it is with a heavy heart that I realize fewer of our veterans are with us. They are dearly missed family members, friends and comrades, and to the soldiers in Afghanistan, our prayers and thoughts are with them and their loved ones. Those lost in this conflict will also be honoured and mourned on Remembrance Day.

Mr. Speaker, the greatest gift of love and respect we can give our veterans is the gift of remembrance. Their sacrifices were not in vain. We must promise to honour their legacy. We will commit to our memory and hearts their great gifts to us, lest we forget.

\* (14:50)

#### **Michael Kluba and Ryan Nelson**

**Mr. Gerard Jennissen (Flin Flon):** Mr. Speaker, I am very proud of two young people from Flin Flon

who have made a serious impact on their friends, family and community.

Seventeen-year-old Michael Kluba organized a walk for cerebral palsy to raise money to fight this debilitating condition, a condition that can vary from mild to severe. Michael was hoping to raise between \$1,000 and \$2,000. I am extremely pleased to report to the House that the 26 participants raised \$4,050 for the Cerebral Palsy Association of Manitoba. There was an outpouring of support from local citizens and businesses. It was very heartening to see the overwhelming support from every corner of Flin Flon.

This altruistic young man, Michael Kluba, initiated this event for very personal reasons. He is very close to his cousin, Ryan Nelson, also 17, who has spastic cerebral palsy. Despite being in considerable pain, Ryan also participated in this gruelling 7.2-kilometre walk. We commend his strength and bravery in the face of adversity.

This walk has brought awareness to the issue of cerebral palsy. The heightened awareness is not only felt by those who participated in the walk or volunteered, it is felt by all those who have read about the event in the *Reminder*, talked about it around the water coolers or overheard someone discuss it at the grocery store. Michael and Ryan's story is being told in circles all over our province, and every person who hears about it will know a little more about the positive initiatives taken by two admirable young men.

I am certain that all honourable members in this Legislature will join me in congratulating not only Ryan Nelson and Michael Kluba but also Laura Schnellert and her colleagues of the Cerebral Palsy Association of Manitoba. The association does fine work such as providing specialized equipment, educational supports, library services, among other important things.

In a time when we hear so many bad-news stories, it is inspiring to hear a good-news story about young people. Thank you, Mr. Speaker.

#### **GRIEVANCES**

**Mr. Speaker:** The honourable Leader of the Official Opposition, on a grievance?

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Yes, I would just say, Mr. Speaker, my

first grievance in this Chamber since being elected as a member of the Legislature.

I just want to put on the record some additional concerns about the course that the government has adopted and the responses that they have provided in defence of their decision to require Manitoba Hydro to run the next major transmission line through the west side of the province.

We know, Mr. Speaker, that the generating stations that are going to supply power for our province and supply the power to be exported to other places to the southeast and west are located virtually directly north of Kenora, Ontario. The logical thing to do in those circumstances, in accordance with the advice of experts, engineers and environmentalists, would be to run the shortest possible line to get power from those generating stations to the end customers, many of whom are here in Manitoba, many of whom are to the south and many of whom are outside of our borders, Ontario, which consumes some amount of Manitoba power today, but which has the potential to consume much more in the event the government is ever able to conclude a deal with that province, which they've been unsuccessful at after eight years of trying.

*Mr. Rob Altemeyer, Acting Speaker, in the Chair*

So we've asked the government many questions on this issue, given the significant and major impact on future generations of Manitobans. The financial cost is difficult to comprehend—the numbers are so staggering—\$410 million in connection with the line alone, the cost associated with converter technology, other costs associated with line loss, the lack of reliability, when so many Manitobans in hospitals and customers in other places rely on our energy. The importance of the project cannot be overstated. The scope of the project is such that it puts it either second or third in terms of the size of this project among the capital projects that are on the books for our generation of Manitobans. It is second only to Conawapa in terms of the budget associated with the project on items that are currently before the province.

So, Mr. Acting Speaker, we've asked many questions of the government to try and rationalize this appallingly expensive decision, quite likely the worse mistake ever made by any government in the history of Manitoba on a major capital project in terms of the cost that will be borne.

Mr. Deputy Speaker, the Member for Wolseley, what do you go by right now in the Chair?

**The Acting Speaker (Mr. Rob Altemeyer):** Acting Speaker.

**Mr. McFadyen:** Mr. Acting Speaker, I want to just say that I want to express our concern that it's not our generation of legislators that is going to have to be held accountable for this decision. It is our children and grandchildren that will ultimately bear the cost of this decision. So, in a sense, when you have a government that is completely disregarding the interests of future generations of Manitobans, it is up to us today to stand up and say no to that kind of reckless decision making.

So, Mr. Acting Speaker, I want to just draw to the attention of the House some statements that have been made by the Premier in response to questions. In the last number of days, he's indicated that the CEO of Hydro, Mr. Brennan, was on the record as saying that there was a great amount of risk associated with the east side that wasn't present on the west side. Well, on reviewing *Hansard* from committee, as we suspected, the way that the comments are being characterized by the Premier almost in no way resembles what was actually said by Mr. Brennan on the issue of risk.

If there was a genuine substantial risk of an east-side line, then we might be persuaded to support the decision, but there is no risk, and that risk is certainly not any greater than what would be involved on building on the west side, so I just want to put on the record the actual comments made by Mr. Brennan in response to questions about risk.

What he said at committee some two weeks ago is that he wasn't provided with the option of examining the east-side route. He said, and I quote: "I was asked to look at what the best alternative would be to an east-side route." He wasn't asked to make that side-by-side comparison, and he goes on to say, and I quote: "There is a risk associated with both routes. I think there was clearly a view by various people that there was more risk associated with the east side, really. But who knows, I guess," is what the CEO of Hydro said with respect.

So, when he says, "who knows," in terms of the risk, Mr. Acting Speaker, and the decision is to throw away a billion dollars based on some apparent risk analysis and the individual charged with doing that risk analysis says, ah, there's risk on both sides, who knows, then it is incumbent on the government

to justify their decision to leave a legacy of hundreds of millions of dollars in debt to the next generation. No justification has been provided.

*Mr. Speaker in the Chair*

I know the Premier was concerned about international pressure, in his words. I don't know if he simply doesn't have the energy to stand up to the American coal lobby, Mr. Speaker, but I would say that it is time that Manitoba had leaders who were prepared to stand up to the American coal lobby, do what's right, not only for Manitoba, but for our environment.

\* (15:00)

So I want to just say that the risk analysis has not been done. Mr. Brennan says, "who knows, I guess," when it comes to the risk analysis. Mr. Speaker, I thought it important that the record be set straight, that the comments made by the Premier (Mr. Doer) suggesting that Mr. Brennan believed there were significantly higher risks on the east side are simply not correct. I wanted to take this opportunity by way of grievance to make that point and to further underline our concern that the Province, that the government, the NDP is embarked on a course that will be disastrous for future generations. They have no reason for the decision other than the fact that the Premier seems not to want to stand up to international coal lobbies.

Mr. Speaker, that is just not a good enough reason to leave this amount of debt to future generations, money that could be spent on hospitals, money that could be spent on schools, at a time when the government says they can't afford to move more rapidly to remove education property taxes, at a time when rural emergency rooms and hospitals are closing, depriving rural Manitobans of needed medical services, at a time when children in the southwest corner of Winnipeg are being asked to leave their schools, being moved into different schools because the government doesn't have money to deal with the pressures arising from its own Waverley West development.

They've got no money for schools, no money for rural hospitals, a billion dollars to throw away on the power line, \$3 million to throw away on Spirited Energy. They've got money to publish their former colleague's memoirs. They seem to have money to do all kinds of things in terms of their priorities. Their priorities are Spirited Energy, \$3 million, waste a billion dollars by an unnecessarily long power line,

no money for rural hospitals, no money for the children of southwest Winnipeg who are being asked to leave their schools and no money to deal with the myriad of other challenges that face our province, including the fact that we fall behind Saskatchewan on 10 out of 11 indicators of economic competitiveness.

It's about to become 11 out of 11 thanks to the wise decision on the part of the people of Saskatchewan yesterday to throw out the NDP after 16 years, Mr. Speaker. It's not going to take 16 years here. We look forward to that day when accountability, when fairness and when sound fiscal management are restored to our province of Manitoba.

## ORDERS OF THE DAY (Continued)

### GOVERNMENT BUSINESS

#### House Business

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, would you canvass the House to determine if there's unanimous consent to proceed with concurrence and third reading of Bill 202, The Apology Act, and Bill 209, The Historic Trans-Canada Highway Act.

**Mr. Speaker:** Is there unanimous consent to proceed with concurrence and third reading of Bill 202, The Apology Act, and Bill 209, The Historic Trans-Canada Highway Act.

Is there leave? [*Agreed*]

### CONCURRENCE AND THIRD READINGS

#### Bill 202—The Apology Act

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I move, seconded by the Minister of Health, the MLA for Seine River (Ms. Oswald), that Bill 202, The Apology Act; Loi sur la présentation d'excuses, as amended and reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

**Mr. Speaker:** It has been moved by the honourable Member for River Heights, seconded by the honourable Minister of Health, that Bill 202, The Apology Act, as amended and reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

**Mr. Gerrard:** Mr. Speaker, I want to first of all thank the members in this House and, in particular,

the Minister of Health (Ms. Oswald) for the co-operation in moving this legislation forward and having it passed at third reading and the expectation that it will get Royal Assent tonight and then be implemented some 90 days down the road.

I want to say a particular thank you to all those who have talked to me about medical errors in Manitoba. I know that it has often not been easy. These are difficult issues to talk about and, in many, many circumstances, very difficult issues to resolve because of the heartache, because of the problems that have occurred and because of the difficulty that there has been in, as it were, opening up the medical system and what happened to be able to address what was wrong and to correct the processes for the future.

I would like to thank, specifically, Tracy Weber, Leslie Worthington, Mimi Raglan, Danica Terziski, who made a joint presentation with two present and the others contributing at the committee stage. I want to thank them, in particular, for their efforts in promoting and supporting this initiative, at the same time recognizing that there are other steps which are important, if we're going to bring to Manitoba a really good system for dealing with medical errors, for resolving the issues and for improving the system.

I would like to thank those who contributed to helping with putting forward this legislation, my staff in my office, the Legislative Counsel and the others who have made contributions in one way or another to The Apology Act and to bringing it forward and providing support for it. A number of lawyers in the community had a look at this and indicated their support of that was also an important step.

I believe that this act is one part of what I hope will be a big change in the way that we deal with medical errors in Manitoba. It is really a cornerstone of a new way of dealing with medical errors.

We need, as well, clearly, to bring forward programs that, in conjunction with this, like the Sorry Works! program in the United States which can allow for meetings of families and members who have been affected by medical errors with health-care providers and understanding, a joint discussion about what happened, what went wrong, how it can be corrected and, where appropriate, what sort of compensation should be provided.

This kind of approach has made a huge difference in certain hospitals where it has been implemented in the United States, and I believe we can have a made-in-Manitoba solution which builds upon the experience elsewhere which will really be at the forefront of what can be achieved in addressing medical errors and improving the health-care system in Manitoba.

Certainly, this is a win for health-care providers who are now able to say I'm sorry without having to worry about the legal liabilities associated with this. Mr. Speaker, it is a win for families and those affected by medical errors because it allows them to deal in a way that is less accusatory and is a more enlightened, learning, moving-forward, addressing-and-correcting-problems approach.

I hope that the people who are involved in the health-care system broadly in Manitoba will be able to recognize what this means and to be able to use this in their approach to circumstances which involve medical errors or difficult circumstances in the health-care system. I look forward to the changes that will come on the passage and implementation of this act and the use of this approach as a better approach, and an improved approach, as we move forward in Manitoba.

**Hon. Theresa Oswald (Minister of Health):** Just to put a few words on the record: we, on this side of the House, are happy to support The Apology Act, recognizing, of course, that it's one piece in a complex puzzle of ensuring that we go forward in protecting our patients and their families.

We know that work that has been done in the past, amending the RHA act, and work that we can continue to do going forward, will change, together with health-care providers and with families, the culture, so that any errors that occur can be talked about in the open so that families can, as a result of this act, receive the apologies that they may deserve and that, most importantly, the patients and families in Manitoba can experience even better care going into the future.

So, again, with this amendment being made concerning proclamation, we, on this side of the House, are happy to support this act.

\* (15:10)

**Mr. Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is concurrence and third reading of Bill 202, The Apology Act.

Is it the pleasure of the House to adopt the motion? *Agreed?* [*Agreed*]

**Bill 209—The Historic Trans-Canada Highway Act**

**Mr. Gerald Hawranik (Lac du Bonnet):** I move, seconded by the Member for Selkirk (Mr. Dewar), that Bill 209, The Historic Trans-Canada Highway Act, as amended and reported from the Standing Committee on Justice, be concurred in and be now read for a third time and passed.

***Motion presented.***

**Mr. Hawranik:** Just a few brief comments. I thank all members of this House for the support of this bill. It's a bill that's worthy of support. I've received encouragement from all the municipalities along which Highway 44, this particular route, travels including encouragement from the Eastman Regional Development Corporation and the Eastern Manitoba Tourism Association and, indeed, from many residents in the constituency.

It's an important bill, in the sense that it recognizes our historical role, the role of the Provincial Trunk Highway 44 that it played within the development of our province and, indeed, all of western Canada. I think, for that very reason, I thank all of the members of this House for that support. Thank you.

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, I just want to commend the Member for Lac du Bonnet for bringing this bill forward and allowing me to second it. Thank you.

**Mr. Speaker:** Is the House ready for the question?

**An Honourable Member:** Question.

**Mr. Speaker:** The question before the House is concurrence and third reading of Bill 209, The Historic Trans-Canada Highway Act.

Is it the pleasure of the House to adopt the motion? [*Agreed*]

**DEBATE ON CONCURRENCE AND  
THIRD READINGS**

**Bill 5—The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended)**

**Hon. Dave Chomiak (Government House Leader):** Mr. Speaker, would you canvass the House

to see if there is unanimous consent to withdraw Bill 5, The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended) and permit me to say several sentences in regard to withdrawal of that bill.

**Mr. Speaker:** Is there unanimous consent to withdraw Bill 5, The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended) and to allow the honourable Government House Leader to make a few comments if there is withdrawal.

Is there agreement to withdraw the bill? [*Agreed*]

**Mr. Chomiak:** We are withdrawing The Public Accounts Committee Meeting Dates Act (Legislative Assembly Act Amended). We took the unusual step of introducing this bill to ensure a minimum number of PAC meetings. I have great confidence that we are now going to be able to proceed to hold regular meetings of the Public Accounts Committee with everyone's co-operation, and I'm withdrawing this bill as a sign of good faith with members opposite, including many lengthy discussions I've had with members from all parts of this House to ensure that we can proceed effectively into the future in Public Accounts Committee.

**Mr. Speaker:** I thank the honourable member for his comments.

**Mr. Chomiak:** I wonder if you might call for third reading, Bills 11 and 21.

**Mr. Speaker:** Okay, we will resume debate on concurrence and third reading of Bill 11 and Bill 21.

**Bill 11—The Children's Advocate's Enhanced Mandate Act (Various Acts Amended)**

**Mr. Speaker:** I will now call Bill 11, The Children's Advocate's Enhanced Mandate Act (Various Acts Amended), standing in the name of the honourable Member for Arthur-Virden.

**Mr. Larry Maguire (Arthur-Virden):** It's my privilege to put on the record some words of concern in regard to Bill 11, The Children's Advocate's Enhanced Mandate Act (Various Acts Amended), Bill 11. Mr. Speaker, the government has brought this bill forward with the intention of clearly trying to make changes to The Fatality Inquiries Act and The Child and Family Services Act to transfer the responsibility to the reviews of deaths of children in



care of the Children's Advocate, and I will get into some concerns on that later.

It's also been brought forward to expand the scope of the reviews to include other publicly funded social services, mental health services and addiction treatment services. No one would be against the expansion of those areas, Mr. Speaker, to look at opportunities to deal with a greater mandate in those areas as well.

The government, though, in bringing this bill forward, states that this bill will not affect the transfer or that the transfer of powers from the Chief Medical Examiner to the Children's Advocate will not affect the Chief Medical Examiner's power to investigate the death of a child or to call an inquest into the death of a child. Mr. Speaker, I will put some words on the record in a few moments to show a concern that I have in that regard.

Mr. Speaker, also Bill 11 is to require the Ombudsman to monitor and report to the Legislative Assembly on the implementation of the Children's Advocate's recommendations. Well, it seems very clear that the bill has been put into the Children's Advocate's enhanced mandate and is going to redistribute some of the responsibility for investigating the death of a child in the care of the Child and Family Services system.

Mr. Speaker, I think that there was some consensus, I think, early on, when this bill was introduced back in December of '06 that there may be some feeling that this might be an opportunity to look at enhancing, of course, because that is a good term when you're talking about these kinds of situations, the care of children under the care of the social services programs in Manitoba. But, as we look at this bill further, it became a concern.

I know I had the opportunity of looking at it with some of my colleagues, and I must commend the Member for Ste. Rose (Mr. Briese) for his work that he's done in regard to this bill in the House since he's been newly elected to that constituency this spring and since attaining the responsibilities around the Child and Family Services mandate, to hold the government's feet to the fire in regard to these kinds of circumstances as each of us in opposition try to do in our respective roles as critics for the departments that our leader has provided us with the responsibility to look after. While all of us are concerned about these issues, I want to commend the Member for Ste. Rose and previous member from Morris for looking at some of these circumstances

and being quite concerned about where this might go.

Mr. Speaker, we're disappointed, I'm disappointed as well, that the government has refused to consider the opinion of at least one established expert, Dr. Peter Markesteyn. I knew that I had concerns in reading this bill, but, when Mr. Markesteyn came forward to the committee and I had the privilege of sitting on that committee of the House—and I think that's one of the roles that the Manitoba Legislature plays and many legislatures in Canada don't have, and that is, after second reading the opportunity for the public to come forward at the committee stage and put forth their views, even if it's only a few minutes and a few more to answer questions.

So Mr. Markesteyn, very distinguished individual in regard to being knowledgeable in the area that he was speaking of, and is very well respected across Canada, Mr. Speaker, pointed out something, I think, that we should all heed in this bill and that there's a redundancy perhaps by taking some responsibilities away from the Chief Medical Examiner, rather, who at present has full responsibilities to even call for inquiries into the deaths of children in Child and Family Services that are in the hands and responsibility of Child and Family Services. I think that that would be a good place to continue to have that responsibility. But the government's bill is bringing it forward to try to devolve some of that responsibility into the hands of the office of the Child Advocate.

\*(15:20)

I believe that the Child Advocate's doing a very good job in regard to the circumstances that that office deals with in regard to dealing with the lives of individual children that are already in the hands of people in the Child and Family Services. I believe, fully, Mr. Speaker, that there is a role for the Child Advocate to be there to advocate on behalf of those living children that are being dealt with in the system today, and there is a growing number. We've seen that all across Manitoba. We've seen it throughout the last number of years, the last decade, particularly. That number has continued to grow.

But, Mr. Speaker, there's also a responsibility for the Office of the Chief Medical Examiner to be the individual that would clearly look at and have responsibility for making recommendations to the minister and to others in regard to circumstances surrounding these deaths. Each one of them needs to

be looked at. In some cases, there are very extenuating circumstances around these deaths, and many reports. Of course, we know the one where the death of young Phoenix Sinclair, a young person that had been gone and dead for some time, a very young individual who had fallen through the cracks, if you will, and gone unnoticed for over nine months before it was even found out that she had passed away. Of course, the inquiry has been called into that. Many recommendations have come forward from many of these types of reviews.

So, Mr. Speaker, I would feel more comfortable if the minister had looked at all of the recommendations that have come forward. There were 289 recommendations in the package that came forward in that bill. They have not dealt with, as a government, with 284 of them. They looked at about five, five recommendations. This bill has come forward based on that.

Well, Mr. Speaker, the bill, I would say it's inadequate in regard to the numbers of recommendations, particularly even the number of inquiries that have been held. But, further to being inadequate, I think it goes in the wrong direction. So I will not be voting for this bill because I feel strongly that the circumstances should be that the children's, the Chief Medical Examiner, rather, should continue to have the responsibility to do these inquiries.

Mr. Speaker, I want to back up to the—just to give you how much I was impressed by Mr. Peter Markesteyn's presentation. Mr. Markesteyn has had personal experience as the Chief Medical Examiner in the province of Manitoba. He's also been a consultant to the federal government regarding these matters, as he was appointed as a delegate to the child advocate in the province of Newfoundland and Labrador. In that position, it enabled him to correct, if you could say that, probably, what he hopes will be the last investigation into the operations of Child and Family Services undertaken by the office of the children's advocate for the province of Newfoundland.

So he has experience on both sides, Mr. Speaker. His words were, in regard to this bill, that he felt that the duties of the Chief Medical Examiner were to investigate circumstances around the deaths of children in the provinces, to make recommendations intended to prevent similar deaths. He indicated that there may not only be—that these responsibilities may not only be outside the expertise of the Children's

Advocate office, but, more importantly, and this is what I think drove it home for many of us, is that he said that an investigator should not be an advocate, and an advocate should not be an investigator, that it is a conflicting scope and purpose in these intrinsically, diametrically opposed positions.

So, Mr. Speaker, I would say that, while this minister is trying to come forward with this Bill 11, it is a circumstance that I think we need to heed, a particularly wise and experienced person, like Dr. Markesteyn, who had come forward with the recommendations and the concerns that he had on this bill. So, while there are shortages of front-line workers all over, as there are in the nursing situation that I've been speaking in this House in petitions on greatly, that leads to further circumstances where staff are burned out. There's no time for consultations in this process and many, many, many of these recommendations have been unheeded by this government in bringing this bill forward.

So, therefore, Mr. Speaker, I'll close by saying that I think that this bill presents potential for a conflict of interest between the Chief Medical Examiner and the office of the Child Advocate. I would recommend that the bill not pass in the House, and that the government do a more full investigation of the rest of the recommendations that they have already had put before them. Thank you.

**Mr. Stuart Briese (Ste. Rose):** I'm pleased to rise today and put my concerns about Bill 11 on the record. Bill 11 is The Children's Advocate's Enhanced Mandate Act and is designed to redistribute responsibility for the investigation of deaths of children in the care of Child and Family Services. The reason given for the transfers of responsibilities are the recommendations of two reports, one by the Ombudsman, one by the Child Advocate themselves. There were some 280 other recommendations of the two reports that certainly need to be considered, and many of those recommendations would have a far more dramatic effect on the protection of children in care.

CFS is overloaded, understaffed, and we have seen a dramatic increase in caseloads since devolution. The minister claims there are 64 more caseworkers, but that number doesn't even begin to address the new cases, let alone spell some relief to assist on the quite simply overwhelmed.

The office of the Child Advocate was created to address the problems and issues surrounding having children in CFS care, address proactive ways of

keeping those children who are in care safe and develop methods and preventive measures that will mitigate the needs of these children who enter CFS care.

The office of the Child Advocate needs more resources simply to handle the issues they are responsible for at the present time without adding new responsibilities. The Child Advocate should be dealing with living children and young adults and not investigating their deaths after the system has failed them. The NDP government has promised extra resources, both financial and staff, to the Child Advocate. It is our opinion that those resources would be far better used if they were committed to the Office of the Chief Medical Examiner.

The Chief Medical Examiner has the experience and expertise to conduct those investigations. There's never been a question about the Office of the Chief Medical Examiner's ability to conduct the investigations; rather, it is a question of resources.

If the government is willing to fund the Child Advocate at a higher level, why simply not fund the office of the chief medical officer? The government obviously wants to boast that they are doing something about the recommendations they received, but we believe this is the wrong way to deal with that problem.

Mr. Speaker, the bill proposal puts the Child Advocate in a definite conflict-of-interest position. There's absolutely no way the Child Advocate can investigate the death of a child where they have also been involved in the case while the child was still alive. The bill suggests an independent investigation, but who would that investigator be? Would it maybe be the Office of the Chief Medical Examiner? If so, why move section 10 to the Child Advocate?

We have heard Dr. Markesteyn at committee and in the media refer to this bill as poorly thought-out and an unnecessary piece of legislation. Dr. Markesteyn is a highly respected and experienced former chief medical officer of this province and has confirmed all the concerns we have raised in this House concerning Bill 11. Dr. Markesteyn states, and I quote: An investigator should not be an advocate. An advocate should not be an investigator.

Mr. Speaker, that is pretty plain language and I don't understand why the members opposite just don't get it. Dr. Markesteyn goes on to raise concerns about conflict, concerns about accountability and concerns about the weaknesses in Bill 11. Why does

the government not listen to the concerns of an expert in the field of investigation of the deaths of children in care?

Dr. Markesteyn has recently investigated systems used in Newfoundland and Labrador as a qualified expert in the field of child-death investigation, and even that expertise does not seem to have any influence on the approaches this government is pursuing on Bill 11.

\*(15:30)

Dr. Markesteyn also raises concerns about how vague the language of Bill 11 is in regard to investigation and accountability. Does Bill 11 allow investigation of reporting from probation services, from education and from police services? Does Bill 11 allow the Child Advocate to investigate across jurisdictions? What tools does the Child Advocate have to investigate and collect information from those other jurisdictions? The short answer, Mr. Speaker, is that Bill 11 was rushed forward with little consideration of these concerns.

We have also talked to the office of the chief medical officer, and very clearly they have some of the same concerns about Bill 11 that we have already put on the record. The fact remains that this is not an issue of competency. Rather, it is an issue of resources. The problems that are being encountered could be rectified much more easily with the provision of resources both financial and staffing to the Office of the Chief Medical Examiner. Once again, I reiterate that the Chief Medical Examiner is the centre of expertise and experience in dealing with death investigations at all levels including Child and Family Services.

Mr. Speaker, we have heard responses from the minister responsible in Question Period that if we don't support the bill, Bill 11, we don't support the Child Advocate. Nothing could be further from the truth. We strongly support the Child Advocate and the role they play in the protection of children in care. We believe the Child Advocate role could be expanded in areas of proactive prevention and care of vulnerable children, to prevent them from ever sinking into the desperate situations that all the members of this House see too often. The minister suggests that we flip-flopped on Bill 11. I resent that insinuation. We have very carefully listened to all the concerns surrounding this piece of legislation, and we have come to the conclusion that we cannot support such a poorly thought-out piece of legislation. We listened, and it appears the

government is not listening. Bill 11 is definitely not remedying the concerns we all have about the safety of children in care.

Mr. Speaker, we see a government that is very dedicated to ordering reviews on almost every issue, but very weak in rationalizing the recommendations from those reviews. The government solution to problems is pour money into whatever the issue may happen to be. The NDP never seem to be results-oriented, and the overall problems surrounding this Child and Family Services continue to multiply. We need systems in place that address what is best for children in care, not processes that react after the fact with hasty, Band-Aid solutions that do nothing to address the best interests of children in the care of Child and Family Services.

By the time we were dealing with the death of a child, it is far too late, and the system and the government have once again failed to protect another innocent child. Devolution occurred in 2004. That was supposed to be a marked improvement to Child and Family Services, but it hasn't improved. There is still a department that largely is concentrating on damage control rather than solutions. The NDP have devolved the system, committed huge amounts of money, ordered many investigations and reports. In spite of that, we still have a system that remains overwhelmed, understaffed and still allowing vulnerable children to fall through the cracks.

Mr. Speaker, Bill 11 is not the solution to those problems. I urge the members opposite to carefully consider what they are proposing. I say again, the former CME does not agree with this legislation. The office of the chief medical officer has serious concerns about the transfer of section 10 to the Child Advocate, and the members on this side of the House don't believe Bill 11 is any kind of solution to problems in CFS.

In closing, I once again urge the minister and the members opposite to reconsider and let Bill 11 die on the Order Paper. Let the Child Advocate deal with living children and let the Office of the Chief Medical Examiner investigate deaths. Bill 11 weakens the ability of the government to gather information when a death occurs in CFS care, and my colleagues and I cannot support poorly thought-out policy and legislation.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** Ready for the question?

**Some Honourable Members:** Question.

**Mr. Speaker:** The question before the House is concurrence and third reading of Bill 11, The Children's Advocate's Enhanced Mandate Act (Variance Acts Amended).

Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agree.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the motion, say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed to the motion, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

\* (15:40)

#### Formal Vote

**Mr. Gerald Hawranik (Official Opposition House Leader):** Mr. Speaker, we request a recorded vote.

**Mr. Speaker:** Okay, a recorded vote having been requested, call in the members.

The question before the House is concurrence and third reading of Bill 11, The Children's Advocate's Enhanced Mandate Act (Various Acts Amended).

#### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

Allan, Altemeyer, Ashton, Bjornson, Blady, Braun, Brick, Caldwell, Chomiak, Dewar, Doer, Howard, Jennissen, Jha, Korzeniowski, Lemieux, Mackintosh, Maloway, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Wowchuk

#### Nays

Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurshou, Gerrard, Goertzen, Graydon, Hawranik, Lamoureux, Maguire, McFadyen, Pedersen, Rowat, Schuler, Stefanson, Taillieu

**Madam Clerk (Patricia Chaychuk):** Yeas 33, Nays 20.

**Mr. Speaker:** I declare the motion carried.

Order. Before I call the next bill, I'd just like to remind all honourable members that, as the Assembly will be adjourning today according to the sessional order, I am requesting that members empty the contents of their desk before leaving today. Members are encouraged to use the blue bins located here inside the Chamber to recycle their *Hansards* and copies of bills. Any other material that you have to recycle should be placed in the larger blue bins in the two message rooms. I thank all honourable members for their co-operation.

**Bill 21—The Housing and Renewal Corporation  
Amendment Act (Fund for  
Housing Revitalization)**

**Mr. Speaker:** Now I'd like to call concurrence and third reading of Bill 21, The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization), standing in the name of the honourable Member for Lakeside (Mr. Eichler), who has 25 minutes remaining.

**Some Honourable Members:** Russell.

**Mr. Speaker:** Order. I was reading the wrong bill. Sorry about that.

Bill 21, The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization), standing in the name of the honourable Member for Russell (Mr. Derkach), who has 25 minutes remaining.

**Mr. Leonard Derkach (Russell):** As we wind down this session, Mr. Speaker, there are a number of points that need to be made with regard to legislation that this government has introduced that certainly does not, I think, meet, I guess, the desires and the hopes of Manitobans in general. This is one of those pieces of legislation which I think the government should be reconsidering. The government should be listening to Manitobans. Indeed, it is once again, unfortunately, a wrong-headed decision by this government in the direction that it is moving.

Mr. Speaker, legislation of this kind sometimes, sometimes, is introduced because of a response from the public, but in this case it appears that the government has an agenda which is not fitting with

that of Manitobans. It is for that reason that I believe that we must and we are not able to support this.

Now I do want to stray a little bit, perhaps, this afternoon and mention a piece of legislation that I believe the government did see, in its wisdom, a way in which we could probably work together in order to accomplish an end, and that was Bill 5. The government introduced Bill 5 and, at the end of the day, through some hard work on both sides of the House, there indeed was an agreement that this bill should be pulled, and that we could work better towards meeting what Manitobans need in terms of accountability of various departments through a collective agreement that could be worked on by both parties.

Mr. Speaker, I think last night is an example of where we could all take some pride in the way in which the committee was handled. I think that kind of approach to questions in committee, and also examination of a corporation's activities were done, through, I think, a respectable way where the questions were asked directly. Some of the questions were perhaps a little bit more difficult to answer than others, but at the end of the day, I think there was a lot accomplished. We finally got one of the annual reports, which dated back to 2004, passed by the committee.

When you look at the number of reports, the auditor reports, the annual reports that are outstanding that need to be—for the sake of the public, Mr. Speaker—re-examined and given some scrutiny to, I am surprised that we don't come under more serious criticism in this House because—or in the public—because of the way in which we have not been paying attention to our responsibilities. Now, this side of the House can't take full responsibility for that because the committees are called by the government, they're not called by the opposition. Although we have repeatedly asked for those to be called, that just hasn't happened to date.

*Ms. Marilyn Brick, Acting Speaker, in the Chair*

Now I'm hoping that we are entering a new era, a new phase in this Legislature. I sense from the Government House Leader (Mr. Chomiak) that there is a greater spirit of co-operation, and that, I think, through some good work on both the House Leader of the opposition and the House Leader of the government, we have been able to move forward to a certain extent. So I think that if government really opens up its ears, its mind to some of the, perhaps from time to time, criticism that comes its way, but

more importantly, some of the suggestions that come its way, I think we could do a much better job at legislation, Madam Acting Speaker, and we could do a better job in meeting the needs of Manitobans.

Madam Acting Speaker, there isn't a lot of legislation in this session that we are opposing. But opposition, I think, to any legislation has to be taken somewhat seriously. It's for that reason that we request a recorded vote when indeed we do oppose a piece of legislation. I think government needs to pay attention to that. I think they need to pay attention to that in terms of future legislation.

As we approach the next session, Madam Acting Speaker, I know that in the cycle of elections that it's probably going to be the most difficult session, not just for Manitobans, because that is when government brings out all of its negative agenda and places it before the people because it is still a distance away from another election. Indeed, that's when sort of the dirty laundry can be aired and then the government can get back on track in terms of building towards its next campaign.

Madam Acting Speaker, in all of this there should be an element of fairness, an element of looking at what is important and making sure that we don't become—we don't punish Manitobans by virtue of the legislation that we put forward. When I look at some of the measures that this government has introduced, it makes you wonder whether or not they are in fact listening to what Manitobans want or whether they're just marching to their own agenda.

\* (15:50)

So, Madam Acting Speaker, I sense that there is some desire for the Member for River Heights (Mr. Gerrard) to speak. Certainly, I want to give him some latitude by cutting my remarks shorter. Suffice it to say that when, in fact, we do stand up in this House and put a point on the record with regard to our agreeing to or disagreeing with legislation, that should be noted because we do that seriously.

Now, I think enough has been said as to the details of Bill 21. I think there has been enough put on the record in terms of why we are taking the position that we are, and government, Madam Acting Speaker, should be listening.

When I look across the way, I look at the Minister of Justice (Mr. Chomiak) and I look at the Minister of Intergovernmental Affairs (Mr. Ashton), the Minister of Advanced Education (Ms. McGifford), who I know do, from time to time, sit

down outside this Chamber, and we can indeed work co-operatively together. I look at those ministers to show some leadership and to indeed listen to some of the comments that are being made, not just from the opposition. We are reflecting what Manitobans want, what Manitobans are saying as well. That's the kind of information that this government should be heeding and perhaps withdrawing some legislation or indeed amending it so it's more acceptable and more palatable to Manitobans.

So, with those few remarks, Madam Acting Speaker, I just wanted to put those comments on the record with regard to Bill 21. Thank you.

**Hon. Jon Gerrard (River Heights):** Madam Acting Speaker, I thank the Member for Russell (Mr. Derkach) for shortening his remarks and allowing me a little more time to speak.

Bill 21 is a piece of legislation that we are opposed to. We have talked a little bit about why earlier on, but I want to put on the record just some comments about the use of bills like this which will have money coming from one source put into a designated fund. There is a time and a place for doing this as opposed to having money flowing into, for example, general revenue or for the general purposes for which the Manitoba Housing and Renewal Corporation works, and there is a time when it is inappropriate to do the sort of fund designation that's happening here.

It is best to do the kind of targeted funding, rather than putting money in general revenue, when you have a consistent amount of money which you can identify on a year-by-year basis. Then you have some certainty in knowing that there's going to be a steady stream of funds flowing. You have some certainty in being able to organize decisions around how best to have that money spent and you have a good opportunity for doing some planning, particularly when there is a connection, a specific connection between the funds, the profits which are generated and the way in which these funds are going to be used.

In this case, it is actually a bad strategy, and we disagree with it for having a targeted fund like this derived from the profits coming from the Waverley West development by the government and the Manitoba Housing and Renewal Corporation. In this case, the rate and the extent to which and when profits will flow or even if they will flow is very uncertain. As a number of people have pointed out, if you're rationally supporting and providing for the

development of Waverley West, is the government, or not, including support for schools, is the government, or not, including support for a transit corridor which is very much a part of Waverley West and a rapid transit system which should be part of a functioning Waverley West development, or is the government not going to consider these expenditures as part of the regular expenditures in developing?

So there is a great variation in terms of what may or may not be included as development expenses, uncertainty, then, to which there may or may not be profits arising from this, uncertainty as to when they may or may not be arising. This creates a lot of uncertainty in terms of planning. It may be that you will have, all of a sudden, a big bolus of money or no money at all, and to plan well under these circumstances is difficult. It's much better to have this money flow into the general funds of the Manitoba Housing and Renewal Corporation for the best use around Manitoba in terms of the provision of housing and ensuring that the housing is available, low-cost housing, in particular, where it needs to be.

So we disagree with this kind of taking funds in this instance and targeting them because we think it's a set-up for bad use and bad planning. We see, at the same time, the importance of addressing the housing needs in the centre part of Winnipeg. We believe that this is a core mandate of the Manitoba Housing and Renewal Corporation and a core mandate of government. Therefore, it shouldn't depend on whether or not, or the extent to which there are profits coming from Waverley West; it should be something which the government is doing as part of what they normally do. This should never be used as an excuse for not doing what needs to be done. It should be done appropriately in the centre or the inner city or the core of the heart of Winnipeg.

For those reasons, we are opposed to this. We believe that it's important to stand up from time to time to point out what we believe are fundamental errors and mistakes in what the NDP are doing. We did this just the other day when I pointed out that a reduction in the phosphorus in Lake Winnipeg of 10 percent is nowhere near sufficient to meet the goal of reducing the phosphorus load in Lake Winnipeg back to the level of pre-1970s.

We have done this in proposing all sorts of measures in this legislative session for reducing the phosphorus going into Lake Winnipeg. I did this the other day when I called the Minister of Health

(Ms. Oswald) to account over her statement, and I quote on Monday of this week when she says: "We can say that the median wait time for all orthopedic surgery for September in 2007 is 25 weeks."

Yesterday the Minister of Health admitted that she was actually only talking about hip and knee surgery. It's very different because there are a lot of other types of orthopedic surgery, and it's very important that these are considered.

We're going to continue, as we're doing on this Bill 21, to hold the government to account when we're dealing with issues like Jordan's Principle, when we're dealing with process with respect to the decisions around the hydro transmission line going around the east or west side. We are going to continue to put forward positive alternatives as well as providing effective and cogent criticism, in many instances, where we believe this government is off-track.

We have provided step-by-step positive options. In this case, the positive option is that the government should be making these investments because there are clearly needs in the centre of Winnipeg. They shouldn't be waiting for some future time, maybe 10 or 15 years from now, when there may or may not be some profits coming from the Waverley West development, to make those investments because the need is now and the government should be acting now instead of using this kind of a measure to delay acting for 10 or 15 years. Thank you.

\* (16:00)

**Mr. Larry Maguire (Arthur-Virden):** Madam Acting Speaker, it's my privilege to put some remarks in *Hansard* today in regard to Bill 21, speaking in the House on The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization), as brought forward in this area by the Minister of Housing (Mr. Mackintosh).

First of all, the bill is redundant. It isn't really a necessary bill in regard to the responsibilities of the government to build, to provide housing in low-income areas or any other area of Manitoba, Madam Acting Speaker. So that's my first concern in regard to how this bill—to the introduction of this bill in its entirety, just to begin with.

It only makes minor adjustments, amendments, to clarify the act as it applies to projects in Winnipeg, Madam Acting Speaker, and that is one of the concerns. If the government was really serious about

this type of a bill, they would have very succinctly brought forward a more in-depth bill in regard to the changes required. I'm concerned that this type of a bill would take money away from an area that requires it for infrastructure development, whether it's a new area or not, such as, we'll use the example of Waverley West where they want to have 40,000 homes in the next few years developed in that area.

This bill clearly takes the surpluses from that particular project and allows them to be used in other jurisdictions. Some of them, no doubt, will be used for the purposes that they may have been intended to do, but it's certainly—This bill allows the government to establish a fund called the Manitoba Housing and Renewal Fund, and, Madam Acting Speaker, I would suggest that this is not needed. This type of a fund is not needed. This is a kind of a fund that is a slush fund developed by the government to utilize and manipulate however they wish to in a political manner when they already have the right to do it, what they're asking for in this bill.

So I have a concern that this type of legislation was just not required at all to move forward and provide better housing in areas of Manitoba. We know that the inner city of Winnipeg is going through problems. There are other areas of the province going through similar problems, and not just all from shortage of housing but in cases of justice and safety, Madam Acting Speaker.

I think that this particular bill is one that leaves much to be desired. It's basically smoke and mirrors, Madam Acting Speaker. The government should be developing safe, quality housing in the inner city anyway, as I've said. This is also the type of bill that I believe allows the—basically, it's an opportunity for the minister to act as a buffer between the minister and his responsibilities. If I could draw an analogy to that: the Member for Steinbach (Mr. Goertzen) has brought forth a pathogens bill, a blood services bill that the government has shot down, and this would have helped protect firefighters, peace officers, and others who attend crashes, fires, accidents all over the province of Manitoba. Yet all that it's requiring is that it allows the people in the circumstances on the scene of the accident to test the blood of the individuals that were in the accident and to test so that those peace officers, firefighters, and others can be protected from anything that they might come in contact.

So, on one hand, the government kills a bill like that, but on the other hand, they're all in favour of—

which is for, I might add, Madam Acting Speaker, in favour, which would help the living firefighters, peace officers, and other workers. At the same time, they take Bill 17, the firefighters, peace officers, and memorial workers, and bring that forward as an opportunity that they support the peace officers, firefighters and all workers in a memorial opportunity. We support that bill, and we also brought forward the issue of paramedics and that bill.

We support the opportunity to have a memorial to those who have lost their lives in that area, but Madam Acting Speaker, Bill 21 is like the government trying to have it both ways as well. They don't need to have this legislation to do what they have the mandate to already do, and yet, on the other hand, they would kill the Member for Steinbach's bill that would provide help to those firefighters, peace officers and—*[interjection]* Yes, this bill, the bill that he was bringing forward, and the government killed it.

**An Honourable Member:** Not him, the bill.

**Mr. Maguire:** Well, there are a few of them. My honourable Member for Springfield (Mr. Schuler) is saying that there might be a few on the other side of the House that would wish to take the Member for Steinbach's—well, we won't say what they'd like to—they might not agree with him in the House on many of the issues that he's brought forward. I don't think they would go so far as to harm him, Madam Acting Speaker.

But it's a bit of a contradiction—it's not a bit of a contradiction; it's a blatant contradiction. How you can, on one hand, kill the bill that would help these individuals at the scene of an accident, and then, on the other hand, bring in a memorial bill to help—which we are all in favour of—support them. Well, why not do both?

That's all our side of the House was saying is, we want to commemorate the memory of those who have died giving their lives so that we can have safety in our homes, in our streets, Madam Acting Speaker, and, at the same time, help them out with an opportunity to have them protected when they're doing their daily work. The government just doesn't seem to see it that way.

I can give you other opportunities, Madam Acting Speaker, to look at these kinds of contradictions in the legislation that this government has handled and the way they've dealt with bills, but 21 is a prime example.



For the government to be involved in land development, this is a risky business, Madam Acting Speaker. There's no guarantee. There is no guarantee that you're going to make money on these kinds of enterprises. If you're not experienced at it, you can lose very quickly, and we've seen many, many examples of how this government has been a darn poor steward of the taxpayers' dollars.

I'll give you a couple of examples, Madam Acting Speaker, whether it was Aiyawin, whether it was Hydra House, the Seven Oaks School Division fiasco. Let's not forget the new information that just came out today on the Crocus Fund. I daresay that there were so many red flags on this one that the government has been so entrenched in trying to cover it up for some time that they're afraid to call a public inquiry, an independent public inquiry, on the Crocus Fund.

Whether it's the raid on Manitoba Hydro that they took over \$500 million out of back in the early part of this decade, whether it's the way that the Agriculture Minister has treated the cattlemen of the province, whether it's the way she's treated the hog producers of this province with a pause, lack of support for agricultural weather disasters that she hasn't come through with, you know, hasn't taken the lead and followed opportunities like the previous PC government did in Manitoba, where they made \$50 available to flooded-out farmers because of 50 inches of rain that occurred in a July-to-July period of 1998, July '98-July '99, where there was an opportunity by the former minister, Harry Enns, of this government, to the PC government to propose a part of The Crop Insurance Act and include that in there.

Many, many examples of where good things could have been done, but this government, as they are doing in Bill 21, has not put forth a very good track record, and that's why we're sceptical. That's why the citizens of Manitoba are very, very sceptical of this government's ability to manage this kind of a fund, and I want to back up this. I dealt with this when the former Member for Brandon West was dealing with this and bringing it forward in Estimates and in the House, Madam Acting Speaker. He was the Minister of Intergovernmental Affairs for a while in that period of time, and he was responsible for dealing with some of the transactions that took place by this government, and, of course, this government owned the land. They made rules to force the—sort of, just bypassed a few rules, if you want, so that they could actually get the sale of the land through and make it happen. Who was going to gain the most out

of that? Well, it was the provincial government that was moving forward on that.

At what cost, though, Madam Acting Speaker, I think is what we need to ask ourselves. More importantly, who pays for those costs? Well, you might say it's the developers. Well, if that's the case, then every person that's buying a home in that particular part of the new development will end up paying for it because those costs are going to have to be passed on to the new, young families that are trying to develop a home, whether they're a starter home or an established home. Those costs are going to have to be paid for.

I think that probably the biggest—I could go on—but, probably the biggest boondoggle that this government has ever had, so far, was the thing that they announced on the first day of this session, and that is the lack of an east-side hydro line coming down a bipole 3, coming down the east side of Lake Manitoba, Madam Acting Speaker, and choosing to go 500 extra kilometres all the way around the west side of Lake Winnipegosis to get back to the east side of Winnipeg so we can export power to Ontario.

\*(16:10)

Madam Acting Speaker, there've been many blockades that this government has put up in regard to issues along the way and, of course, one of them was the blockade that they allowed to stay up on the Hollow Water situation in Manitoba that's recently come down. There was also a blockade for a long time on No. 1 highway out on my side of the province. I'm pleased to see that that blockade has come down now, that the government has seen fit to open the road, even though there is one more lift of pavement to go on next spring. They really haven't even finished the road, but it is open because they know, they've seen and it's been proven that you've got to get these roads open. If you're going to build them, you can't leave them laying there unused, as they did and caused more deaths in the province of Manitoba. It's a safety issue and I commend them for doing that.

If I was to be a bit tongue-in-cheek, Madam Acting Speaker, I'd like to put on the record today that I had a private conversation with the minister to see if, you know, he was considering putting the blockade back up again so that, after yesterday's Saskatchewan Party winning the election out west, he could actually slow up the flow of the Saskatchewan NDP political staff that'll be escaping from Saskatchewan and flowing east. I would

assume that each of the members today will be hiring a new staff member to bring them in here and make this the last bastion of socialism in Canada. You know, we're used to that. We've been there before. We've done that before in this province. We'll have to look after the situation as it comes forward, but, you know, it is a telling situation that this government is allowing this kind of an opportunity to continue and we just think that Bill 21 in its present form cannot be supported. So with that, I'll turn it over to my colleagues.

**Mr. Ron Schuler (Springfield):** I'd like to thank my honourable colleague from Arthur-Virden for his great comments on Bill 21 and I, too, want to send congratulations to premier-elect, Brad Wall, and the Saskatchewan Party for a job well done of beginning the process of cleansing the province of many, many years of poor management. We are very happy that we've got great government now in Saskatchewan. I'd like to particularly thank my colleague and friend Ken Cheveldayoff from Saskatoon.

With Bill 21, I find it's an amazing contrast between Bill 21 and Bill 214, which we debated earlier on today. It really is a contrast of a tale of two bills. We have Bill 21, which deals with future boondoggles which the government can get themselves into, and Bill 214 deals with past boondoggles that the NDP government got itself into. Really, the contrast couldn't be more stark. What's interesting is this government opposes Bill 214 which limits the ability of government to become a developer of something it really doesn't have a lot of expertise in and is best to stay away from, unlike Bill 21 which is all about the government being a developer.

We know that in this House for the last seven, eight years we've heard about Waverley West and not much ever came of it. In fact, I just read a newspaper report that it is taken until next spring before any houses potentially can even be built. That shows how bureaucratic and how slow-paced this development is going. In fact, my concern is that the development will come on the market when about the time when the market starts to soften when it comes to housing developments.

I would suggest my good friend and former mayor, Glen Murray, was one of those who was instrumental in preventing any large-scale developments from going forward. He felt that everyone should be buying infill lots in the city and developing that way. All of a sudden there was a

great demand and the city was not ready for it. Again, this is where politicians, especially left-wing politicians, left-wing governments, start to meddle in the forces of the market and it's been a disaster from day one.

That's why Bill 21 is such a concern to most Manitobans, especially those who've had an opportunity to look at the legislation, and to see that what we have here is a NDP government that is going to anoint itself developer, is going to anoint itself the overseer, is going to anoint itself all kinds of different roles, and will get itself into potentially grave difficulties with the Waverley West project.

What is particularly unsettling about it is, you know full well, that when you build a community families move in. In fact, that's what we would like. We'd like our young people to get a good education, settle down, perhaps find a mate who is of your liking, perhaps start a family, buy a house, and after that you start needing services. What this government is planning on doing is taking all the money out of the development and not ensuring that there are appropriate services in place, and then any other money going for other uses. What they are planning on doing is sucking the entire development dry of any potential money.

If they run it the way that Seven Oaks School Division ran its boondoggle—and Seven Oaks had to go so far as to run two sets of books to try to cover the fact that they absolutely blew that development. That is one atrocious sinkhole of taxpayers' dollars. So I should say right off the bat, supposed any profits that we see from Waverley West, and even if they make a nickel, even if they make a dime off of it, it's all going to go for other uses and not first and foremost used for the services that you're going to need in such a large-scale development.

Already the school board, because they have no choice—it's been rammed down their throats by this Minister of Education (Mr. Bjornson)—is looking at how they're going to accommodate all those students. I can say, Madam Acting Speaker, I was involved in North Kildonan when Sun Valley was built. It was far too full, and they had to move the grade 6s out.

The Minister of Justice (Mr. Chomiak), who likes to sneer and heckle and make fun of everything, should actually take something serious for once. I know he doesn't take a lot seriously. He took squat serious when he was Minister of Health. He takes nothing serious as Justice Minister, should actually take it serious when they moved the grade 6s out of

Sun Valley elementary school. There were such difficulties with those students. I know a lot of the parents that had their children in the school system and had great difficulty. I know the Minister of Justice doesn't care about those students. He actually doesn't care about much anymore, which proves that he's been around here perhaps a little too long. He should listen to what's going on. He should listen to the parents who have great concern about what's going on.

Do I still have the floor, Madam Acting Speaker?

**The Acting Speaker (Ms. Marilyn Brick):** You still have the floor.

**Mr. Schuler:** The Minister of Justice seems to want the floor, and if there is an important topic he wants to talk about, certainly, we will give him the opportunity. But, in the meantime, maybe he should sit in his seat and listen, and certainly that's what we have to do to him from time to time.

So I believe that this is a particular piece of legislation that negates the kinds of things that have happened historically, and the government would be prudent to have a good look at what took place in other jurisdictions where students are pulled out of their school and moved into another jurisdiction, another school, another area. There are great concerns, and the parents are very concerned about it.

It is going to impact areas like Fort Garry, and I notice that the MLA for Fort Garry (Ms. Irvin-Ross) hasn't let her voice be heard on this issue, and should, because it's going to involve the children in her community.

The Minister of Justice, again, heckles from his seat and says who cares. It actually doesn't matter to him. It doesn't involve his community.

There are other communities around that area. For instance, St. Norbert. Where is the MLA for St. Norbert (Ms. Brick) standing up for her community? Why does she not get up once in a while and say, I don't particularly like that issue? Why doesn't she get up and stand for her community? Why doesn't she stand up and talk about her community? I'm sure, given an opportunity, given the opportunity, sometime she will. I'm sure she will, Madam Acting Speaker.

\* (16:20)

We digress, Madam Acting Speaker. Bill 21 has great impact, great impact on Fort Garry where the member has not spoken and has been silent on; has great impact on St. Norbert where the member has been silent and has not spoken on it. I know that the member of the opposition has brought this issue up over and over again. Whether it was during Question Period, during Estimates, whether it's been through petitions, he's been active on it. There seems to be only one voice of reason in that entire community and that is the Leader of the Opposition who stands up and actually champions the cause of his community.

What is being done with Bill 21 is wrong and the government would be well positioned to look at Bill 214 and see what that bill does in protecting taxpayers. It is something that will protect taxpayers from here on in and, unfortunately, I suspect the government will not, will not support. In fact, they're going to go the wrong path. There's a fork in the road. Does the government take the right path, Bill 214? No, it takes the wrong path on Bill 21.

The government would be well placed to move an amendment to Bill 214, something I would be agreeable to. I would be very agreeable if they were to include in Bill 214 that the government not be the developer in Waverley West, that they remove themselves from Bill 21. In fact, if there's a critique of Bill 214, is that it didn't go far enough. It only included school boards and it should include all NDP governments who get themselves into this mess.

We know full well Seven Oaks School Division is chock full of New Democrats who got themselves into a mess. The minister had to go so far as to allow them to have two separate books. They got themselves into a boondoggle, and, unfortunately, now we have taxpayers on the hook.

So I conclude by saying the government is better off withdrawing Bill 21 and proceeding with Bill 214. I leave my comments at that, Madam Acting Speaker.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Madam Acting Speaker, I'm pleased to put a few comments on the record with respect to Bill 21 as we move toward the conclusion of this session of the Legislature.

*Mr. Speaker in the Chair.*

The concerns have been well outlined by several of my colleagues on this legislation. Primarily, the concern arises from the fact that the government has

taken upon itself to undertake one of the largest property developments that our province has seen in a long, long time.

We, firstly, have concerns about the almost certain prospect of gross mismanagement when it comes to the Province's role in this development. They have a history of mismanaging business enterprises, Crocus being a good example of that. They've got a long list of ways in which they have squandered resources, missed opportunities and in various ways failed to achieve value and results, positive results, when it comes to their activities.

Manitoba Hydro, whether it's the Workers Compensation Board or virtually any other activity that this NDP government undertakes, you can count on the fact that the last people in the province that are going to benefit are those that are paying the taxes to support this government's activities.

So we are concerned about the lack of transparency and accountability when it comes to the Waverley West development, that part that's been undertaken by the provincial government. We're concerned about the fact that in committee the minister was unable to answer questions about the amount of interest that was going to be accrued as a result of the borrowing that the government is undertaking to undertake this development and the very disconcerting lack of positive forecasting when it comes to the benefits of Waverley West from a financial standpoint to the Province of Manitoba.

The concern specifically around Bill 21 is that the bill is really nothing more than a symbolic attempt to try to appease some of the groups who were opposed to Waverley West. Those groups included and continue to include the provincial Council of Women and others who were concerned about the Province's conflict of interest in its role as both regulator and developer in Waverley West as well as a variety of other concerns about the impact of that development on our city of Winnipeg.

So, in response to some of that early criticism, the government said that they would take the, quote, unquote, profits from Waverley West, profits that we doubt will ever materialize, but they would take those, quote, unquote, profits and that they would reinvest them into areas of need.

Now, given the unfunded liabilities and deficits and areas of mismanagement in the Housing portfolio, our concern, of course, is that any money that is ultimately realized at some point down the

road will be frittered away in much the same way as the government has wasted tax dollars in a variety of other ways, certainly nothing on the scale of the Hydro boondoggle which is in excess of a billion dollars, but we are talking potentially, Mr. Speaker, about millions of dollars. So we are concerned about the legislation in that sense.

Furthermore, and other members have made the point, the principle of earmarking funds from one activity to be applied to another area creates challenges. There's an opportunity, if the government wishes, to make inner-city housing a priority, to address that through the regular appropriations of the government through its budgeting process, but to simply put a piece of window dressing up to take some future, quote, unquote, profit and reapply it to be spent at the whim of the politicians that will administer the money is of concern.

Furthermore, it is the real life impacts on families in southwest Winnipeg that we are very concerned about when we look at what's happening with Waverley West. I have just been part of discussions with various parents of children attending schools in southwest Winnipeg, including St. Avila school, École Crane and Viscount learning school, and all of these parents have been recently told by the school board that their children are going to be required to be removed from their existing schools where they're extremely satisfied with the education they're getting, moved into other larger schools, moving from an enriched environment of French immersion into dual-track larger schools because of the fact that the government has not planned for the pressures arising from the Waverley West development, meaning that as Waverley West gets developed, additional students are going to be displacing existing students in these schools.

I can tell you that there are hundreds of families in southwest Winnipeg impacted by this decision, concerned about the lack of planning that's gone into Waverley West, and I'm very pleased to have had the opportunity to meet with them. A petition is being circulated as we speak through those communities, through Fort Garry, through parts of St. Norbert and, certainly, through Fort Whyte, that is going to reflect the views of those hundreds of families who are concerned that the NDP has not put in place the capital to accommodate the new students moving into Waverley West. It is having a very direct and real and negative impact on those families and their children.

So Bill 21 sends a signal that the government doesn't care about southwest Winnipeg. It's not prepared to invest in southwest Winnipeg, whether it's in transportation, in schools, with respect to the required new high school or in any other area of need created by this government's activities.

So, Mr. Speaker, we're opposed to Bill 21, and I would encourage the government to withdraw the bill and to put in place a plan to accommodate the families of southwest Winnipeg who are greatly concerned about the lack of consideration that's been given to them and their children when it comes to the development.

Mr. Speaker, we've got other concerns and issues. We look at Bill 21, really, in some respects, as being emblematic, symptomatic of an approach to government that this NDP government has taken, which is really to focus more on window dressing and doing things for show, as opposed to actually getting real things done for the people of Manitoba.

\*(16:30)

Eventually, Mr. Speaker, that kind of approach to government does catch up. Eventually the results of that kind of government become apparent to Manitobans, and we see it day in and day out. We see it through the decision on the part of the government to waste hundreds of millions of dollars by politically dictating the hydro route—and this is a matter that we've discussed—without any rationale, other than a fear of wealthy American interest groups, and the Premier (Mr. Doer) saying he doesn't want to have a fight with Bobby Kennedy. I think that's regrettable. It is regrettable, because I think it's time that the Premier had the courage to stand up to an American celebrity.

Now I know he gets most of his policy ideas from American celebrities, Mr. Speaker. He likes to be in the presence of celebrities, Jesse "The Body" Ventura, where I know he got a lot of his ideas. He then became enamoured with the governor in California, Arnold Schwarzenegger. I saw the Premier on stage praising Rudy Giuliani just over a year ago, endorsed yesterday by Pat Robertson.

So the Premier is enamoured of American celebrities. I guess I can say, Mr. Speaker, that it is unfortunate, because regular people in Manitoba, people like Bob Brennan, you know, common-sense people, people who may not have the star power of an Arnold Schwarzenegger, or a Bobby Kennedy, or a Rudy Giuliani, or anybody else, but people who are

in touch with what's going on on the ground here in Manitoba, who have some good, sound ideas, I think he should listen to Manitobans when it comes to major policy decisions. He doesn't need to spend all of his time fawning over American celebrities and allowing policies in Manitoba to be dictated by those celebrities.

I know this has been an idea that has amused Manitobans and members of our party for some time, but it went from being amusing, Mr. Speaker, to being absolutely disconcerting when the impact is to throw away more than a billion dollars because he doesn't want to stand up to an American celebrity. So it goes from being a matter of amusement to being a matter of serious concern for Manitobans.

Now I don't know where the idea for Bill 21 came from. I don't know which American celebrity planted that idea in his mind, but I will say that the regular people, common-sense people here in Manitoba, all of the presenters at committee, families from south west Winnipeg, the Provincial Council of Women, real Manitobans, came to the table and they said Bill 21 is wrong. We don't know which American celebrity put this idea in the Premier's mind, but it's wrong.

Mr. Speaker, you know, I would say that the influence of American celebrities over the Premier's (Mr. Doer) policy is something that, in many respects, may be a step forward for the NDP. Now there are, you know, others, the former Attorney General of Manitoba who is enamoured of a certain set of ideas. The members opposite don't want to take the opportunity to offer any criticism of that, even as they pay tribute to the veterans of the Korean War who bravely went and fought against oppressive regimes back in the 1950s by governments that flew under the flag of the hammer and sickle. We stand on the side of the Canadian veterans of the Korean War who fought in battles like the Battle of Kapyong, Kapyong Barracks here in Winnipeg, named after that important battle where Canadian troops under the U.N. banner, under the maple leaf, proudly fighting on behalf of Canadian values against the values represented by the hammer and sickle that was the insignia of the troops that they were squaring off against.

Now, Mr. Speaker, we certainly look forward to the—and I don't know if the members opposite have had contact with any of the organizations that have had opportunity to comment on the issue subsequent to the time the issue came up, but I hope that they'll

listen carefully to what those organizations have to say.

In any event, Bill 21 is a bad piece of legislation. It sends the wrong signal. It's bad for the people of south west Winnipeg and other communities that are looking for this government to get their priorities right. When you've got rural emergency rooms closing, rural hospitals closing across the province, when you've got children who are being told that they have to leave their existing schools because the government hasn't invested in schools in southwest Winnipeg, when you have a variety of other families and people here in Manitoba concerned that their needs are not being met, Mr. Speaker, you have to wonder about the priorities of a government which feels it can throw away more than a billion dollars on a power line, which feels as though it can spend millions on the Spirited Energy campaign, a government that feels that it has the right to fund the memoirs of their former colleagues, taxpayers paying for all of these things at a time when they can't get service in emergency rooms, at a time when children are being removed from their schools because of a lack of planning and a lack of investment, at a time when we have 10 out of 11 indicators of economic competitiveness worse than the province of Saskatchewan, at a time when we've got the highest taxes west of Atlantic Canada, when we have provinces like Saskatchewan, Newfoundland and others creating more jobs. It's a matter of priorities.

The problem with Bill 21 and other NDP initiatives is that it once again demonstrates they've got their priorities wrong. The longer they're in power, Mr. Speaker, the more the arrogance becomes apparent, the less in touch they appear to be with the concerns of everyday working Manitobans and Manitoba families who want the government to listen to people like Elijah Harper, to people like Bob Brennan, for heaven's sake, even to people like former Premier Ed Schreyer, who, with the benefit of history, has had some important and worthwhile things to say.

Mr. Speaker, just breaking news, I want to advise the House that even Councillor Harvey Smith today was criticizing the Premier (Mr. Doer) for the daffy detour. Now, we can't always choose where our endorsements come from. There are some endorsements that we value more than others, but, when even Councillor Harvey Smith recognizes the absurdity of the Premier's position on the issue, well, it causes us to pause, at the very least, and reflect.

It, certainly, causes us to say that it would appear that, other than the members opposite, with the notable exception of the Member for The Pas (Mr. Lathlin), other than that member, they're all on the record of supporting this very bad decision. I don't know, when they go back to their constituencies—and I've had the opportunity to speak to Manitobans in a variety of communities around the province over the past number of weeks—when they go back to their communities, how they are going to explain the fact that every family in the province is going to be \$4,000 poorer, that they're going to throw away 40 megawatts of precious, clean energy, that they're going to cut down more trees, that they're going to leave eastern communities in poverty, how they are going to explain that to their constituents, and how they're going to respond to the question, which is the question I have been asked all over Manitoba: Why would a government make a decision like this? How are they going to look their constituents in the eye and say: Well, you know, that American coal lobby is pretty powerful, and we just didn't figure we could go toe-to-toe with them, and so, you know, the American coal lobby has got the upper hand and there's just nothing we can do. We're too tired and weak and out of steam to stand up to the American coal lobby. That's why we're going to make you \$4,000 poorer. That's why we're going to leave eastern communities in poverty. That's why we're going to throw away 40 megawatts of power. We just don't have the moxie to stand up to the American coal lobby anymore.

So, Mr. Speaker, we stand on the side of regular Manitobans. They get their policy ideas from American celebrities. At the end of the day, as Manitobans come to understand and appreciate how badly off track, in particular, his decisions and this government's decisions have been since the recent election, campaigning against the west side and then announcing months later they're going down the west side, after having been misled in the election campaign, Manitobans are going to have the opportunity to arrive at their own verdict.

\* (16:40)

Mr. Speaker, just in closing, there's much debate ahead of us. We have a number of years to go before the next election campaigns. We look forward to having the government work in good faith with us to do things like reform Public Accounts to ensure adequate review of how taxpayers' dollars are being spent, provide real power to that committee with regular meetings to allow us to examine, to reform

our electoral system with set election dates, and to do things that Manitobans would think would be basically fair.

One of those things I would ask the government to do would be to repeal what one member of the community referred to, to me, as the "coward clause." The "coward clause" is that clause that the Premier (Mr. Doer) introduced which blocks opposition parties from advertising outside of election periods. This is the moxie of the government, unlimited government advertising, unlimited third-party advertising, severe limits on party advertising, and then let's duck every debate that we have a chance to participate in, in the election campaign. That's not really what democracy is about, Mr. Speaker. Democracy is about allowing people to express themselves. So we're asking the Premier to repeal the "coward clause" and to actually agree, if he is a leader in the next election, to actually partake in live debates.

Let's have an open, honest dialogue with Manitobans about the east-side daffy detour. Let's have an open dialogue about Bill 21. Let's have a dialogue about their failure to maintain the safety of our communities, their failure in Child and Family Services, their failure to actually balance the budget through raids of Crown corporations, their failure to address the fact that we're falling behind Saskatchewan, with even worse news to come as Saskatchewan bounds ahead with confidence into the future under a new government.

Mr. Speaker, I just want to say that we call on the government to withdraw Bill 21. We call on the government to reverse their decision on the daffy detour. We call on the government to do what's right in terms of our democratic society, repeal the "coward clause," step up and have open debates on real issues, and then let's see where Manitobans come down.

Mr. Speaker, the agenda of the government, the American celebrity agenda is really not right for Manitoba. Let's come up with some made-in-Manitoba solutions. Let's listen to Elijah Harper, Brian Schwartz, Ed Schreyer. From time to time, let's listen to Harvey Smith, on rare occasions. Let's listen to the good common-sense people of Manitoba. Let's withdraw Bill 21, and let's go into the future with a government that is actually committed to spending wisely, concerned about the taxpayers of Manitoba, concerned about future generations. Let's not get so

star-struck that we can't see clear to do what's right for our province.

So I call on the government: Withdraw Bill 21, do the right thing.

**Mr. Speaker:** Is the House ready for the question?

The question before the House is concurrence and third reading of Bill 21, The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization).

Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Speaker:** All those in favour of the motion, say yea.

**Some Honourable Members:** Yea.

**Mr. Speaker:** All those opposed to the motion, say nay.

**Some Honourable Members:** Nay.

**Mr. Speaker:** In my opinion, the Yeas have it.

#### Formal Vote

**Mr. Gerald Hawranik (Official Opposition House Leader):** Mr. Speaker, we request a recorded vote.

**Mr. Speaker:** A recorded vote having been requested, call in the members.

Order. The question before the House is concurrence and third reading of Bill 21, The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization).

#### Division

*A RECORDED VOTE was taken, the result being as follows:*

#### Yeas

*Allan, Altemeyer, Ashton, Bjornson, Blady, Braun, Brick, Chomiak, Dewar, Doer, Howard, Jha, Korzeniowski, Lemieux, Mackintosh, Maloway, Marcelino, Martindale, McGifford, Melnick, Nevakshonoff, Oswald, Reid, Robinson, Rondeau, Saran, Selby, Selinger, Struthers, Swan, Wowchuk.*

**Nays**

*Borotsik, Briese, Cullen, Derkach, Driedger, Dyck, Eichler, Faurshou, Gerrard, Goertzen, Graydon, Hawranik, Lamoureux, Maguire, McFadyen, Pedersen, Rowat, Schuler, Stefanson, Taillieu.*

**Madam Deputy Clerk (Bev Bosiak):** Yeas 31, Nays 20.

**Mr. Speaker:** The motion has been carried.

**ROYAL ASSENT**

**Deputy Sergeant-at-Arms (Mr. Blake Dunn):** His Honour the Lieutenant-Governor.

*His Honour John Harvard, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne, Mr. Speaker addressed His Honour the Lieutenant-Governor in the following words:*

**Mr. Speaker:** Your Honour:

At this sitting, the Legislative Assembly has passed certain bills that I ask your Honour to give assent to.

\* (16:50)

**Madam Clerk Assistant (Monique Grenier):**

Bill 3–The Healthy Child Manitoba Act; Loi sur la stratégie « Enfants en santé Manitoba »

Bill 4–The Real Property Amendment Act (Wind Turbines); Loi modifiant la Loi sur les biens réels (éoliennes)

Bill 6–The Adult Literacy Act; Loi sur l'alphabétisation des adultes

Bill 7–The Insurance Amendment Act; Loi modifiant la Loi sur les assurances

Bill 8–The Public Schools Amendment Act (Regional Vocational Schools); Loi modifiant la Loi sur les écoles publiques (écoles professionnelles régionales)

Bill 9–The Securities Amendment Act; Loi modifiant la Loi sur les valeurs mobilières

Bill 10–The Family Maintenance Amendment and Inter-jurisdictional Support Orders Amendment Act; Loi modifiant la Loi sur l'obligation alimentaire et la Loi sur l'établissement et l'exécution réciproque des ordonnances alimentaires

Bill 11–The Children's Advocate's Enhanced Mandate Act (Various Acts Amended); Loi sur l'élargissement du mandat du protecteur des enfants (modification de diverses dispositions législatives)

Bill 13–The Organic Agricultural Products Act; Loi sur les produits agricoles biologiques

Bill 14–The Government Purchases Amendment Act (Responsible Manufacturing); Loi modifiant la Loi sur les achats du gouvernement (pratiques équitables des fabricants)

Bill 15–The Biofuels Amendment Act; Loi modifiant la Loi sur les biocarburants

Bill 16–The Statutory Holidays Act (Various Acts Amended); Loi sur les jours fériés (modification de diverses dispositions législatives)

Bill 17–The Firefighters, Peace Officers and Workers Memorial Foundations Act; Loi sur les fondations à la mémoire des pompiers, des agents de la paix et des travailleurs

Bill 18–The Forest Health Protection Act; Loi sur la protection de la santé des forêts

Bill 19–The Fair Registration Practices in Regulated Professions Act; Loi sur les pratiques d'inscription équitables dans les professions réglementées

Bill 20–The Planning Amendment Act (Deemed Single Operations); Loi modifiant la Loi sur l'aménagement du territoire (exploitations réputées uniques)

Bill 21–The Housing and Renewal Corporation Amendment Act (Fund for Housing Revitalization); Loi modifiant la Loi sur la Société d'habitation et de rénovation (fonds destiné à la revitalisation des logements)

Bill 22–The Medical Amendment Act; Loi modifiant la Loi médicale

Bill 202–The Apology Act; Loi sur la présentation d'excuses

Bill 209–The Historic Highway No. 1 Act; Loi sur l'ancienne route n° 1



**Madam Clerk (Patricia Chaychuk):** In Her Majesty's name, His Honour assents to these bills.

*God Save the Queen was sung.*

*O Canada! was sung.*

**Mr. Speaker:** The House is now adjourned and stands adjourned until November 20 at 1:30 p.m.

Everyone have a wonderful week break and take care.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, November 8, 2007

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Gerrard	2090	Bill 209–The Historic Highway No. 1 Act	2100
Maguire	2091		
Schuler	2094		
McFadyen	2095		
<b>Royal Assent</b>			
Bill 3–The Healthy Child Manitoba Act	2100		
Bill 4–The Real Property Amendment Act (Wind Turbines)	2100		